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ABSTRACT

American Indians have suffered a series of alterations in federal/tribal relations with rebuilding of Indian communities revived one moment but dashed the next by changes in national policy. This collection of papers focuses on consequences of an ever-changing American Indian policy and its impact on the lives and cultural values of American Indians. Major topics are: (1) the Indian New Deal, accompanied by both policy contradictions and successful revitalization of tribal viability under the Office of Economic Opportunity; (2) the Indian Reorganization Act and its contributions to the instability of tribal governments on some reservations and the legal course of Public Law 280 (transferring federal civil and criminal jurisdiction over Indians to some states); (3) pro-Indian legislation of the 1970s, including the American Indian Religious Freedom Act; (4) economic issues and economic development projects in three different Indian communities; (5) federal funding priorities and higher education policies manipulating Indian education; (6) Native American languages and communication norms that could enhance the education of Indian children and open new linguistic research avenues; and (7) a recent study of the Indian elderly that highlights differences between the rural and urban populations. This book contains 183 references. (DHP)

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AMERICAN INDIAN POLICY AND CULTURAL VALUES: CONFLICT AND ACCOMMODATION

Contemporary American Indian
Issues Series

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American Indian Studies Center
University of California, Los Angeles

AMERICAN INDIAN POLICY AND CULTURAL VALUES: CONFLICT AND ACCOMMODATION

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3220 Campbell Hall
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INTRODUCTION

Jennie R. Joe

In 1979, the American Indian Studies Center published a collection of papers evaluating various endeavors of the American Indian Policy Review Commission.[1] The commission's work was viewed by many as one of the most important congressional undertakings of the century when it was established in 1975 to conduct a "comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the federal government and to support the formulation of more positive and effective national Indian policies and programs."[2]

Although most tribal groups and national Indian organizations supported the congressional intent and participated willingly in the gathering of the data and in public hearings, congressional interest in the project waned almost as the commission began. Thus, when the work was completed, the voluminous report received little fanfare or enthusiasm, and was quietly shelved along with countless other reports and documents initiated by the federal government to solve the "Indian problem."

Congressional indifference to the final report of the American Indian Policy Review Commission did more than just dash the expectations of the tribes; it angered many as well. Criticism of congressional apathy was kept to a minimum, however, as disgruntled voices were quickly reminded of the changing political climate and the possibilities of political "backlash."

Nevertheless, the setback experienced by the commission was balanced somewhat by the fruition of other important legislative developments in the 1970s. One in particular was the passage of the Indian Self-Determination and Education Assistance Act, which gave some reaffirmation, albeit a weak one, to the concept of self-government for the tribes. Through this legislation, tribes had the right to subcontract or administer certain programs and services operated by the federal government. The passage of this legislation also brought forth new "buzz" words, such as "tribal sovereignty" and "government-to-government relations." Ostensibly, the new law was seen not only

as a positive political move, but also as one that might forever end the threat of assimilation. Here, too, there was optimism that the new policy might stabilize previous policy actions that had vacillated among ideologies of equality, extermination, domination, assimilation, and termination.

Although the new policy direction emphasized the philosophy of a plural society, much of what was represented as being new reflected a philosophical ideology and arguments reminiscent of the 1934 "Indian New Deal," or the Indian Reorganization Act (IRA), which also attempted to revive Indian identity and self-government.[3] The implementers of the Indian New Deal in the 1930s, however, seemed to face more difficult challenges. They were attempting to breathe life back into a race of people who felt betrayed, many of whom were economically and psychologically devastated by being dispossessed of their land. For example, one million acres of valuable Indian land was lost as a result of the land allotment policy, and so many were left homeless and forced to assimilate or give up their tribal identity and culture. The consequences of this policy fill the pages of history books, and the ordeals have been described by tribal elders. The travesty of this era is also well documented in other reports, such as the Meriam Report issued in 1928.

Unfortunately, the rebuilding of Indian nations initiated under the Indian New Deal was interrupted by the start of the Second World War. The momentum was preempted by the country's interest in winning the war, and most federal domestic programs were curtailed. The Indian Service was no exception. The Bureau of Indian Affairs (BIA) closed a number of schools and hospitals and withdrew a portion of its social service programs. Similarly, the war effort also terminated most of the employment opportunities on the Indian reservations that were part of the Indian New Deal. The unemployed either enlisted in the armed forces or migrated to the cities to work in war plants.

The end of the Second World War was accompanied by a different attitude. The national mood and political climate had changed, and there was growing support for the federal government to get out of the "Indian business." The congressional mood, however, was not so visible. Many tribal leaders and Indian advocates were caught by surprise when Congress quietly passed a resolution calling for the termination of its role as trustee for the American Indians. The legislative action instructed the BIA on a phaseout plan that started the termination process, with the tribes deemed most competent and economically viable to be "on their own." As a result of this policy, a number of tribes such as the Menominees of Wisconsin were terminated. Before long, the terminated tribes were reliving the nightmares experienced by some of their elders. Other attempts to "unload" the Indian problem accompanied the termination movement. In some states, legal jurisdiction on Indian reser-

vations was transferred to the states (P.L. 280), while other federal programs, such as the Indian Health Service, were transferred to another federal agency.

Almost without exception, the consequences of this termination policy were equally as devastating as those of the assimilation policy that carried out the land allotment in the past. The terminated tribes saw their former land-base shrinking, and their much-fought-for economic enterprises facing bankruptcy or oblivion. The repeatedly disastrous consequences, however, helped strengthen the opposition of the tribes against the policy of termination. Armed with statistics and other testimonies, the leaders lobbied hard for congressional and presidential reconsideration of the termination policy. The policy reversal eventually happened, but not before some terminated tribes were crippled by the experience.

Elsewhere, tribes who were saved from termination never regained federal support for the restoration of tribal resources. In fact, the economic conditions on most Indian reservations worsened after the war because the number of unemployed continued to rise with returning veterans and former war plant workers swelling the ranks. The federal government's response to this growing concern, however, was in keeping with the policy of termination and assimilation. It developed a massive relocation program whereby thousands of the unemployed were relocated to cities for job placement or job-skills training. Interestingly, most tribal leaders did not relate the relocation program to the termination movement, partly because the program was couched in such terms as "employment assistance."[4]

When the relocation program came to an end a few years later, over 100,000 American Indians and Alaska Natives had been recruited and given a one-way ticket to the cities. This infamous scheme offered promises of high-paying jobs, a house in the suburbs, and a two-car garage. Instead of a middle-class lifestyle, however, most relocatees found themselves stranded in run-down hotels and roach-infested apartments, and physically isolated from other relocatees. In addition, the job placement so promisingly advertised by the BIA recruiters turned out to be dead-end jobs. The training programs, too, turned out to be a disappointment. The skills training courses were often watered down or were in occupations that offered no career opportunities back on the reservation, where most trainees had hoped to return. These disappointments do not compare with the initial loneliness that accompanied the cultural isolation, however. The despair undoubtedly led many to find solace in alcohol.

Despite the psychological hardships that came with living in the cities, many relocatees opted to remain after weighing their predicament against what was awaiting them back on the reservation. A marginal economic existence in the city looked more hopeful when compared to the even more

depressed economic conditions on the reservations. Although some relocatees did return to the reservation permanently, many began a cycle of migration between the city and the reservation that exists today. Thus, when economic or other problems become overwhelming at one place, the families move back to the "other place."

While the BIA continued its relocation program, the national attention in Indian country remained focused on ways to end the policy of termination. In many instances, the concern was fueled by documentation of the negative experiences of the terminated tribes. The lobbying efforts reached both of the major national political parties and convinced them that their platforms should endorse a reversal of the unpopular policy. As a result of the lobbying efforts, political support for an end to termination was carried into the White House by the newly elected president. John F. Kennedy followed the recommendation of a task force he helped establish to end termination and embark on a new policy of self-determination. The Menominee tribe, however, continued to push for the restoration of their trust status, and finally in 1973, Congress agreed and the tribe was reinstated. This set a hopeful precedent for other terminated tribes.

The termination era kept a number of Indian tribes from participating in federal programs initiated under the War on Poverty or Economic Opportunity Programs (OEO). Some tribes refused to participate for fear of being ranked by the BIA as being "competent," and therefore moved up on the government's list of tribes earmarked for termination. Others avoided participation, fearing that their acceptance of federal monies might jeopardize their legal claims against the federal government. Those who elected to participate in the OEO programs, however, found themselves dealing directly with the federal funding agency. Thus for the first time, many of the tribes were allowed to have a voice in developing and managing their own programs.

The OEO programs thus indirectly rejuvenated the ideology of self-determination, as did the national civil rights movements. Indian tribes and organizations became more assertive and staged a number of public protests. For example, the "Fishing-in" demonstrations in Washington State, and the occupation of Alcatraz Island helped focus national attention on the issues of poverty, poor health, and social injustices confronting the first Americans.

Much important legislation in the 1970s addressed some of the concerns which emerged out of the 1960s. Some of the laws enacted were: the Indian Financing Act of 1974; the Indian Education legislations of 1972 and 1974; the Indian Self-Determination and Education Assistance Act of 1975; the Indian Health Care Improvement Act of 1976; the Indian Child Welfare Act of 1978; the Tribally Controlled Community College Assistance Act of 1978; and the American Indian Religious Freedom Act of 1978. In addition to these

legislative actions, there were also other congressional or presidential actions that benefited specific tribes, such as the return of the sacred Blue Lake to the Taos Indians, and lands restored to the Havasupai Nation and to the Warm Springs tribes. Elsewhere, Indian groups and organizations were also able to get certain social service regulations changed or amended to include special provision for the inclusion or participation of American Indians and Alaska Natives. Thus once again, or at least for another brief moment, the rebuilding of Indian communities appeared to be revived, only to be dashed once again by a national policy decreasing federal monies for human service programs.

The following collection of papers focuses on some of the consequences of an ever-changing American Indian policy and its impact on the lives and cultural values of American Indians. These papers were presented along with others at the Eighth Annual Conference on Contemporary American Indian Issues, hosted by the American Indian Studies Center at the University of California, Los Angeles in 1985. The theme of the conference centered on an examination of the relationships between cultural values and American Indian policy in a variety of areas. These papers, therefore, represent a diversity of topics about American Indian policy.

In the first article, derived from a keynote address given at the conference, Alfonso Ortiz recounts some major milestones in Indian policy starting with the implementation of the "Indian New Deal." Ortiz reviews and highlights some of the important policy contradictions that accompanied the implementation of this policy as well as the successful revitalization of tribal viability under OEO. Duane Champagne's paper explores another aspect of the IRA and presents an insightful sociological analysis of why IRA-inspired governmental models remain weak or contribute to the instability of tribal governments on some reservations. In a related essay concerning tribal government and jurisdiction, Carole Goldberg-Ambrose analyzes the legal course of P.L. 280, and provides an update which indicates that the states' assumption of legal jurisdiction under P.L. 280 has not eroded tribal autonomy as anticipated.

Emma Gross's study on policy development provides some interesting answers as to why there was much pro-Indian legislation during the 1970s. One of the important acts promulgated during this era is the subject of Carol Hampton's article, in which she discusses the American Indian Religious Freedom Act and demonstrates the continuing struggle for the right of American Indians to practice their traditional religions. Another important arena for policy and value conflict is found in Delores Huff's comparative analysis of economic development projects in three different Indian communities.

Clara Sue Kidwell and Paul Kroskrity explore issues of Indian education in two different realms. Kidwell makes a strong point about the manipulation of career choices for Native Americans by government funding priorities and

higher education policies. Kroskrity challenges Indian educators to make a policy change that would enhance the education of Indian children as well as to try new pedagogical strategies. Addressing the concerns of the Indian population at the other end of the age spectrum is Robert John, who undertakes a secondary analysis of a recent national study of the Indian elderly. He highlights some interesting differences between the rural and urban populations.

NOTES

1. American Indian Studies Center, *New Directions in Federal Indian Policy: A Review of the American Indian Policy Review Commission* (Los Angeles: University of California, 1979).
2. American Indian Policy Review Commission, *Final Report* (Washington, D.C.: U.S. Government Printing Office, 1977).
3. Gary Orfield, "Termination, Destruction and Restoration," in *Indian Self-Rule: Fifty Years Under the Indian Reorganization Act* (Sun Valley, Idaho: Institute of the American West, August 1983), 16–18.
4. Arthur Margon, "Indians and Immigrants: A Comparison of Groups New to the City," in *The American Indian: Past and Present*, ed. Roger L. Nichols (New York: Alfred A. Knopf, 1986), 277–286.

HALF A CENTURY OF INDIAN ADMINISTRATION: AN OVERVIEW*

Alfonso Ortiz

I would like to share an observation that a very distinguished predecessor of ours in Native American Studies made just a month before his death. I refer to D'Arcy McNickle, who was invited to give a post-banquet address on the Flathead reservation in Montana. His first words were, "It has been fifty years since I've been on the Flathead." It took him fifty years to make it back home after he sold his allotment of land to finance his studies at Oxford. But his second observation to the group assembled there on his home reservation was: "Whoever invented the after-dinner talk was not a friend of mankind." I agree, and will try to assault your sensibilities as little as possible. Already throughout dinner, as I was watching the minutes tick by, I was thinking, "What can I skip? Where can I skip?"

I am not going to skip the attempt at humor, however. I would like to first share an anecdote because it has the right kind of bite to it. It happened actually fourteen years ago, when a very nervous President Nixon decided to delay the decennial White House Conference on Children and Youth—at least the one on youth—for a year. It was held in the early spring of 1971 in Estes Park, Colorado. It was held there because the Vietnam War was still going on and he was afraid there might be protests if it were held in Washington, as it traditionally had been. So 1500 of us invitees trekked off in the snow to the slopes of the Rocky Mountains in Estes Park to begin our deliberations.

I was assigned to something called the "Culture and Values" panel, and since there were 10 panels, there were 150 people for each panel. An equal

*Given as the Keynote Address at the 8th Annual Conference on Contemporary American Indian Issues. UCLA February 21-22, 1985.

number of adults and youths were assigned to each discussion group. As you might have expected, given the times, very shortly after the panel convened the black panelists, of which there were a disproportionately large number (minorities were deliberately overrepresented), decided they were going to convene their own caucus. They did not want to be with the Whites and, with all due respect to the other minorities, they took off on their own. Soon thereafter, again predictably enough, the Hispanics decided to follow the black example and so off they went to form their own caucus. So there was a black caucus and a Hispanic caucus on culture and values. From among the minorities of color that were left, the exotic minorities, there remained only six of us Indians, so all six of us decided to go and meet in a telephone booth!

By this point the Whites were dismayed. There were a few ethnic Americans left but otherwise it was basically just a gang of WASPs that was left over, and I felt great sympathy for them. I watched them out of the cultural anthropologist's eye to see what they would do and they were dismayed because they had an identity crisis right there on the spot. They had been so accustomed to defining themselves in terms of people they could patronize, help, look down upon, contrast themselves with, and so on, that, once left to themselves, they had no identity. They did not know what to call themselves. After the black caucus, the Hispanic caucus and the Native American caucus, they spent literally an hour chasing around and around about what to call themselves. Finally they wearily threw in the towel and decided to call themselves the "Just Plain Folks" caucus. So they met for four days as the "Just Plain Folks" caucus.

The bite that story had when I thought of it after a full fourteen years was in the contradictions it embodied. It struck me how it is that a people who have devoted 200 years of their national existence to trying to assimilate Indians into the mainstream of their lives—whatever that mainstream may have been at whatever time—that at the same time they seem to need us, the Indians, for their self-definition and self-fulfillment. It is a question I have carried around with me ever since that time. They did not mind so much when the Blacks left. They did not mind when the Hispanics left. But when the six Indians left, they were thrown into chaos. That is when their identity was shaken to its roots and seemed to melt away. I hope I will have time to return to some of the implications of that incident. It is not merely a story; it really happened.

One Navajo medicine man in the Southwest at least has an answer to President Reagan's Star Wars scenario. Not too long ago a team of NASA engineers and scientists were simulating man's flight into space in a very rural area of the Navajo reservation. They had been there just a few days when an old man appeared, stayed at a distance to watch them, then came closer. One day he

came with a grandson, about 10 or 12 years old, and came directly to where the scientists and engineers were conducting their tests. It turned out he was a monolingual Navajo, so through his grandson he asked what they were doing. The grandson came back and explained to him that they were simulating man's flight into space. The old man's face brightened and he told his grandson to ask if they were going beyond the moon this time. The grandson went and confirmed that, yes, this time they were going beyond the moon. So the old man came forward, somewhat agitated, and he asked his grandson to ask if they would take a message to people out there beyond the moon. He said very gravely, "We Navajo people have relatives among the stars out there."

At first they laughed him off as a harmless old eccentric, but he kept coming back day after day with his grandson. Finally they decided the only way they were going to get rid of him was to comply with his request that they carry a message from the Navajo people through him to the relatives out there among the stars. So they brought out a tape recorder and they recorded his message. He spoke very gravely in Navajo, but to their surprise his message was very brief. They expected a lengthy harangue and oration, but the message was very brief. So the scientists from NASA became very curious as to just what the old man had said. After badgering them for so long, they wondered, why was his message so brief?

They immediately set about trying to find an engineer or scientist who was Navajo, and someone soon mentioned that there was a Navajo nuclear physicist named Fred Begay on the staff of the Los Alamos National Laboratories. So they took the tape to him and Fred played it and immediately doubled over with laughter. When he finally stopped laughing, they said, "Alright, alright, what's so funny? What's the message on that tape?" He said, "Oh, it's simple. It says, 'Greetings brothers, greetings sisters, wherever you may be, whoever you may be. Watch out for these guys. They'll take your land!' " That is one current response to Reagan's Star Wars scenario.

What I did for this evening was to add a little more flesh and blood to a bare-bones outline that I was going to present in about twenty minutes tomorrow morning. What I will try to do, given the lateness of the hour and my basic agreement with D'Arcy McNickle's observation about post-dinner talks, is to present as much as I can and then leave the rest for tomorrow morning, when I will be a part of a panel of which Dave Edmunds is the discussant.

In recent years, for all the obvious reasons, there has been a renewed interest in the so-called Indian New Deal—the Indian Reorganiation Act (IRA)—as well as what preceded it, and its aftermath. For example there was a conference in Sun Valley, Idaho, on the subject of "Indian Self-Rule: 50 Years After the Indian New Deal," held in August of 1983. Dave Edmunds and I were

both participants in it. Vine Deloria and Clifford Lytle's latest collaboration is also on the subject of the Indian New Deal and Indian sovereignty. The last two chapters deal particularly with what is likely to happen in the years to come. There has also been a special study of the Navajos and the New Deal by historian Donald Parman. Ken Philp's book *John Collier's Crusade for Indian Reform* also deals in good part with the Indian New Deal, while Larry Kelly, another historian who is at work on a two-volume biography of John Collier, will cover the New Deal in the second, as yet unpublished volume. So there is a great deal of popular interest in this era.

I came into this interest quite independently because I knew John Collier casually in his last years. I also knew Oliver LaFarge in his last years a little better than casually. This came about because I worked for a doctor who was LaFarge's personal physician. Collier used to come regularly and visit that physician as a personal friend. The physician, who still lives in Albuquerque, is Michel Pijoan. I remember one incident in particular that struck me as very odd and which stayed with me over the years. One day, Collier visited the Pijoan household, which was just north of San Juan Pueblo, where I grew up. He asked his wife to drive him to the pueblo, and he started walking around with a little shawl over his shoulder. He was in his late seventies by that time. At one point he stopped at one end of the plaza, or dance area, and he started crying. After they left I asked Dr. Pijoan why John Collier was crying—why he had felt like crying at that particular place and time. The answer he gave me was simply that Collier was saddened because no one recognized him any more. I thought that this was very, very odd because two whole generations had grown into place since he had begun battling on behalf of the Pueblos in the early 1920s. How he could expect people still to recognize him was beyond my comprehension at that time. In any case, I never imagined that one day I would succeed Oliver LaFarge as president of the Association on American Indian Affairs. But that is the way life revolves sometimes.

Now, let me return to the Indian Reorganization Act. I will try to briefly summarize a topic that is really very complex. The Indian Reorganization Act is important for all of us to know about and talk about because in Indian affairs we have been drawing from its intellectual capital ever since it was enacted into law and implemented among the tribes.

There was a fierce firestorm of debate about the virtues and problems of the act itself. There was one thing that occurred in Sun Valley which caught my more-than-passing attention. It seems that the historians and other scholars who have dealt with the act and the period during which it was enacted generally give John Collier positive marks both for fighting for the act and for the act itself, whereas those tribal leaders, especially from the far-western reservations, who were there to discuss whether the act would be passed or not

within their communities, tended to be both fiercely anti-Collier and anti-IRA. There was a tension between scholars of the period and the Indian leaders who were alive at that time, and there was quite a discrepancy between the views of the major tribal chairmen on the IRA and those of the historians. It seemed to underscore the old adage that, with all due respect to the distinguished gentlemen sitting in front of me, history is too important a subject to be left to historians.

To summarize, most of you, I am certain, have read the original Indian Reorganization Act. The intent of the IRA of 1934 was to create an alternative to assimilation. Overt attempts to assimilate Indian peoples were ostensibly reversed by the terms and conditions of the act. There were nineteen separate provisions, but four were major ones. One was to strengthen tribal governments. A second one was intended to consolidate land holdings, that is, to stop the terrible drain of land from Indian hands into non-Indian hands—some 87 million acres were lost between the enactment of the Dawes Act of 1887 and the passage of the Indian Reorganization Act of 1934. Thirdly, there was a provision for increased federal aid for the economic development of the reservations. The initial outlay was for 10 million dollars, later increased to 12 million—those were significant sums for the 1934 act. And a fourth provision that ran through the act was to encourage cultural pluralism. It was to encourage cultural expressions such as art, and take pressure off of tribal religions, to make it explicit that Indian people were to be left free to exercise their cultural heritage, such as religious dances and the arts, whether in boarding schools, or in the reservation day schools, or wherever.

Yet, I said that the act *ostensibly* reversed the assimilation policy because, as with so many things, when you have a half-century of perspective on them, you often find that there is much more there than meets the eye. For example, while encouraging cultural pluralism among the tribes, Collier was at the same time issuing a directive from the commissioner's office that the Catholics and Protestants were not to be hampered in their work among the tribes. That somewhat negated any real commitment to encouraging the exercise of Indian religions where they still existed.

To give another brief example, this one concerning the ostensible strengthening of tribal governments, Collier, in assuming power to approve or not approve changes in the constitutions the tribes were encouraged to adopt, was in reality taking power away from tribes. So instead of strengthened tribal authority and tribal communities, there was some erosion of that authority.

When I say "ostensibly" and otherwise qualify my statements, it is because of these contradictions. These and the other provisions of the time have provided the intellectual capital by means of which Indian administration has been conducted ever since. It is curious that it is now, in our time, that the

Reagan presidency threatens to scuttle the heritage of fifty years of the Indian New Deal and spin-offs of that New Deal.

I agree with Vine Deloria where even he concedes in the final chapter of his recent book that, for that time, Collier and his associates probably cut the best deal they could for the tribes. I know there are revisionists, especially younger attorneys, who feel that Collier did nothing less than sell out the tribes to expediency and to further government control and regulation. But in those times there were powerful forces poised on the edge of Indian reservations, such as that of the Hopi, forces that were eager to exploit, to mine Hopi, Navajo, and other land, eager to start drilling for oil and natural gas. There had to be, and Collier and his associates saw this, legally verifiable means to conduct business for tribes that otherwise had no means to deal with outside white enterprises. The IRA constitution that so many tribes passed, including the Hopi, was therefore intended to give the tribes a mechanism for dealing with the white man on somewhat legally verifiable terms. In that sense, I agree that they probably cut the best deal they could for the tribes for that period.

Here, I can summarize a number of objections that were made during and subsequent to the debates on the passage of the Indian Reorganization Act. These were the kinds of attitudes that Collier and his associates were encountering in Congress. For one, Collier was accused of trying to turn back the hands of the clock, in other words, of trying to encourage Indians to relive some balmy days of yore. That attitude has been fairly constant in policy-making circles down through time in the American national experience. Another accusation frequently thrown at Collier was that he wanted to preserve Indians as museum pieces, and that what he was advocating was similar to putting a glass lid over Indian reservations so they would not progress at all.

Some congressmen also complained that Indians had been under the Bureau of Indian Affairs too long already. After all, the Indian Bureau had been organized in the War Department in 1824. Enough was enough. They should be set free. Another complaint was the great cost of Indian administration and the proposed legislation. Yet another objection voiced by congressmen was that to have a separate land base for any group of Americans was frankly un-American. No other Americans had a separate, tax-free land base. Why should Indians? And a final objection was that, unless you let the Indian people compete with the white man in the white man's world, in a world that both should share, how could they learn to compete effectively? You cannot isolate Indian people and then expect them to compete in the white man's world. The reason I go through these objections in detail is that these have been echoed right on down through the years. When there has been a new

program or a policy change, these attitudes have been just simmering beneath the surface in the Congress. They still are, even today.

Another fact that becomes clearer with the passage of time is that the Indian Reorganization Act contained within itself the seeds of later terminationist sentiment. The seeds were not only present in the act itself but they began to be sown as early as the World War II years. There was already some termination sentiment building up in the Congress at that time. D'Arcy McNickle, who was in Washington with the bureau until 1952, recognized that it was there. It is something that we need to acknowledge retrospectively, because tribes complained of too much BIA interference in their internal affairs, not only in governance but in other matters as well, because of the complex and varied nature of the provisions of the Indian Reorganization Act. They were frankly chafing under federal regulations. Hence, it did not take too bright a bureaucrat to say, "Well, why don't we turn them loose from all that bureaucratic control if they resent it so much?"

That was initially one of the rationales for what became a policy of termination in 1952 with the passage of House Concurrent Resolution 108. As you know, termination was more of a psychic drain than anything else, except for those who were actually terminated, for instance, the Klamath and the Menominee. The Menominee had to be "de-terminated," thus adding new meaning to the word "determination." The tribes were frightened because House Concurrent Resolution 108 was passed almost before they knew what was happening. When I read about it later—I was in elementary school at the time—it still seemed somewhat unbelievable to me. Even if someone were to write a good history of the termination era, I still would not understand just how it was sneaked into law before the tribes and their friends could organize significant national opposition.

There was a firestorm of protest directed at Congress not to implement it. In the plans there were three categories of tribes: those that were deemed by the bureau to be ready for termination immediately, such as the Menominee of Wisconsin and the Klamath of Oregon; a second group that could be made ready within a reasonable amount of time; and a third group, those which were deemed too backward or too traditional to make it if terminated. They did not get past the first category of tribes before a spotlight was put on them. Then, termination became more of a bugaboo to tribes than a reality, except, again, for those that were actually terminated.

Relocation was a companion policy to termination because they occurred at the same time. With the audience I have in this room, I am not going to spend too much time discussing relocation, because I am looking at a lot of second-generation people who were relocated to the cities. Basically, the relocation program was intended to send unemployable Indian people from the

depressed economies of reservations to cities that were chosen somewhat carefully for not having a history of overt discrimination against Indian people. There were six major urban centers. This—Los Angeles—turned out to be the biggest. A second largest was the Greater Bay Area, or the San Francisco-Oakland-San Jose area. Others were Denver, Dallas-Fort Worth, Chicago, and Cleveland. Most Indian people went to one or the other of those cities. They tended to choose those relocation centers which were closest to their reservations. So you have a lot of Oklahoma Indian people in Dallas-Fort Worth as well as here. Here, you have a lot of relocated Southwesterners from the Hopi, Navajo, Pima-Papago, and other New Mexico and Arizona reservations.

By 1970, 125,000 Indian people had been relocated from reservations to these urban areas. That is an impressive number. I might quickly add that many of these people returned to the reservations when jobs began to be available for them there. They had not wanted to leave in the first place. They wanted to be with their extended kin. If they could not support their families, they left. Thousands of these people returned to the reservations beginning in 1964, when the expanded federal presence created jobs on the reservations in which they could use their skills. With Reagonomics they were left holding the bag—but that is getting ahead of the story a bit—because with the cancellation of programs, what they came home for suddenly evaporated. There were no more jobs. Yet, those I know personally do not want to return to the cities. They have uprooted themselves, once, twice, and they do not want to do it yet again.

The next major policy phase came with the election of President John F. Kennedy in 1960. There was pressure for economic development to take place on Indian reservations. It was a hopeful period, a kind of watershed, because in 1961 the American Indian Charter Convention was held in Chicago. In Indian country the American Indian Charter Convention came to be named for the place in which it was to be held—the American Indian Chicago Convention—which is completely understandable if you know Indian people.

A lot of you know about this convention, but in case you do not, I will briefly summarize what it tried to do. It was an attempt, headed by Professor Sol Tax of the University of Chicago's anthropology department, to convene tribes to formulate what came to be known as a Declaration of Indian Purpose. (A document with that title came out of the American Indian Chicago Convention.) Representatives from some 240 tribes convened in Chicago, and there were often some very stormy sessions.

The planning documents that led up to the American Indian Chicago Convention were mostly authored by D'Arcy McNickle, who was chairman of a planning committee for the convention. What D'Arcy was doing was picking up the unfulfilled promises of the Indian New Deal, the promises and

programs that had had to be scuttled with the outbreak of the Second World War, and embodying them in the working documents that led up to the convention itself. So, when I say that in Indian affairs we have been living on the intellectual capital of the Indian New Deal, this is the kind of thing I mean. The provisions that were not fulfilled resurfaced again in later policy and position papers. This was no less true of the American Indian Chicago Convention.

In any case, the actual Declaration of Indian Purpose that was delivered to President Kennedy was a much-diluted version of D'Arcy McNickle's idealistic document, drafted with the date of April 26, 1961. The reason it was diluted, as observers of the National Congress of American Indians (founded in 1944) know, was because the congress was faction-ridden from the very beginning. Those of you who know Indian politics can only marvel at how it avoided being even more factious. Just to step back a little bit on the question of Indian leadership, D'Arcy McNickle, in a speech at the eightieth anniversary of the founding of the Indian Rights Association in Philadelphia, noted that when officials of the Collier administration went out to try to sell the Indian Reorganization Act to the tribes, they encountered leaders who were so pinned down by local problems that all they could do was complain about local conditions on their reservations. If they did not complain about their local situation, they complained that their agents were unresponsive to their needs. They could not be brought around to thinking nationally, let alone even regionally. If that was the political picture of the tribes, especially the western tribes in the 1930s, you can imagine how hard it was to get any kind of national consensus in the 1940s, when the national congress was founded, or through the 1950s as it bickered and continued on its way, often on a shoestring budget and borrowed office space, with volunteers like D'Arcy McNickle to keep it alive.

In 1961, there were still these factions within the National Congress of American Indians, and they quickly emerged as the deliberations went on in the American Indian Charter Convention. So, once again, it was D'Arcy who stepped in at the critical junctures and compromised, something Collier seemed to be incapable of. It was D'Arcy who had to offer compromises that diluted the final document, but got it passed and brought the charter convention to a successful, if raucous, close. It was that document which was presented amid much to-do to President Kennedy soon after his inauguration.

What the tribes wanted at that time was local reservation economic development, such as cottage industries and the like, so they would not continue losing some of their best people to the cities, as they had been between 1952 and the 1960s. It was not those who were incapable of competing for jobs in the cities who left, it was their ablest, their most energetic, and their brightest. There was a brain drain throughout the relocation era that the tribes were

much concerned about by the time President Kennedy assumed office. There was no policy as such that can be associated with the Kennedy presidency, however. It was too brief, cut short by the president's assassination.

A mourning Congress and nation gave Lyndon Johnson essentially a social blank check in 1964. In that year, the Economic Opportunity Act of 1964, the so-called War on Poverty, was passed. That was just the opening piece of legislation, as it were, of what eventually became a temporary flood of federal programs on Indian reservations. The War on Poverty itself had an interesting history. In preparation for the Sun Valley Conference, I had occasion to read in the *Congressional Record* of testimony and debate during the summer of 1964, before the act was actually passed. It was very interesting—conservatives and liberals squaring off on this piece of legislation in classical fashion. But there is no time to give a flavor of that testimony.

Those Indian people who testified saw something analogous to the Civilian Conservation Corps of the depression era. At its height, the corps had seventy-five work centers for Indian people in fifteen western states. The older tribal chairmen, and others who were testifying on the Economic Opportunity Act before it was passed saw this analogy—here was a chance to put our people to work, a chance to learn some job skills, a chance to learn how to work by regular hours and have a regular paycheck. They testified that they wanted the act to be that way as much as possible.

This era of the expanded federal presence in Indian reservations would make a wonderful topic for a dissertation. I hope someone takes it on soon, because there were some lasting changes in Indian lives wrought during the period between 1964 and 1980, that is, from the landslide election of Lyndon Baines Johnson to the presidency in his own right, to the election of Ronald Reagan, after which time the scuttling and reduction of programs accelerated. A "stay-put" attitude and even some cutting originated with President Carter who, in retrospect, was more like Reagan in his Indian policy than his predecessors, but that, too, has to be studied historically.

Just to give you one example to illustrate this expanded federal presence, I will take the Eight Northern Pueblos Indian Council, which consists of the eight pueblos located just north of Santa Fe. Until 1970, almost all of their non-BIA money came from the Office of Economic Opportunity. By 1974, they had reduced the Office of Economic Opportunity's share of their program to 20 percent. Most of their remaining outside federal funding that was not BIA came from the Economic Development Administration. The administration has been accused, with some measure of fairness, that its solution to the Indian problem is to throw a building at it—to toss up another building, from an industrial park to a grocery store, laundry, or tribal council office, and so on. But their efforts have been good, for the most part, because so many

really poor tribes would not have council halls to meet in or many other things, like kindergartens and health clinics, if it were not for the Economic Development Administration. But they did mostly build rather than fund programs.

In any case, by the early to mid-1970s, there were no less than nine cabinet-level departments with programs on Indian reservations. There were many, many agencies, almost twice that many agencies, and you had these programs with exotic-sounding names like labor programs, nutrition programs, and WIC for mothers and infants. All these programs created jobs for health paraprofessionals, as well as for mothers in kindergarten classrooms. The latter were earning money out of the home for the first time.

I would like to discuss three areas by way of summarizing this period from 1964 to 1980, to indicate the sense that I have, from following events in at least a small area, the Pueblo country of New Mexico, of the really powerful changes that were brought about.

One was in the area of leadership. It is the most powerful and lasting change that has been wrought, and it came about in this way. Before 1964, reservation leaders had to deal only with the Bureau of Indian Affairs, as far as federal officialdom was concerned. I was recording secretary for the San Juan Tribal Council during the summers of 1959 and 1960, and saw firsthand what it meant to deal with the Bureau of Indian Affairs, although I had already been seeing it during all the years I was growing up in the Pueblo. But then I saw firsthand how the bureau typically operated. Immaculately clothed bureaucrats with not a fleck of dust on their shoes would drive onto the reservation in an air-conditioned car to meet with the governor and council. They would come in, greet the governor or tribal chairman, the council, snap open a briefcase, and take out documents to be signed in triplicate. These they would hand to the governor and tell him to sign where the "x" was and have two of the councilmen sign as witnesses. Then, they would announce, "We'll take of everything else. You don't have to worry about a thing." And they would get back into their air-conditioned car and return to Albuquerque. There were no explanations, no working together; just this paternalistic, oppressive kind of "you leave it to us" attitude.

I was there in the fall of 1964 when, for the first time, tribes had federal money they could apply for without going through the Bureau of Indian Affairs. The executive director of the New Mexico State Indian Commission and I drove up and down the Rio Grande to pueblos from Albuquerque to Taos to explain the provisions and terms of the new act. Almost everywhere we went, Pueblo governors told us, "What, you mean we can apply directly to Washington for money to fund programs?" And we said, "Yes, that's exactly it, that's what is different about this act." "You mean, we don't have

to ask the superintendent for permission?" We said "No, no, no! They have nothing to do with this. It's a whole brand new federal office and program." On reservation after reservation, this was what was asked. They could not believe it at first.

One Pueblo governor was complaining bitterly about something having to do with the application process of the Office of Economic Opportunity. He had a red phone that he had inherited from his predecessor because every governor in that pueblo inherits a red phone while he is governor. My friend told this particular governor, whose name was Fred, "Well, Fred, if you feel so strongly, why don't you pick up that red phone and call Washington? You know you can do that with this agency." And Fred said, "No, I don't think my council will want me talking directly to Washington. We have to discuss this first." You see reflected in this incident a century and a half of oppressive Indian administration dished out by the Bureau of Indian Affairs, with its really antiquated procedures. Mind you, I am not here to flail the bureau yet again. One must understand that the agency was created in 1824 and dealt originally with defeated, dispirited Indians for whom indeed everything had to be done. Their lives were shattered. They had to be taken care of like children. Procedures were developed that by today's standards are shocking to the dignity of the human being. But these procedures were deeply rooted, and they were taught to successive generations of bureaucrats as they came along. They were shocking to the sensibilities of humanitarians in the 1960s. You can imagine how shocking they are now.

As far as procedures are concerned, the bureau, quite simply, is a dinosaur that has somehow survived into the space age. This is not an altogether unfair characterization. But, in any case, there soon evolved leaders in the pueblos who were not afraid to go directly to Washington to voice their grievances and to discuss their problems; who were not afraid of the white man's paperwork mystique and who knew how to apply for funds themselves. They formed a truly national perspective from dealing with Washington, and most importantly, they will likely never go back to the way it was, again. Never again will they permit such oppressively paternalistic dealings, and no matter how hard President Reagan tries to turn the hands of the clock back to the early 1930s or before, this is one thing they will not tolerate. A whole generation of leaders has grown into place who will simply not take this kind of flack from any bureaucrats again. I say this not merely hopefully; I know this because I grew up with a lot of these people and know them personally and respect them for their tough-mindedness.

For those of you who are really young, and despair about the future of the reservations, I would like to try to diminish your despair by a good deal. There are tough guys out there who are not going back to the way it was in the

1950s, not any more. They have seen what they can do. They are not going to let anybody turn the hands of the clock all the way back. So the biggest change has been in the nature and the quality of the tribal leaders who are out there.

Just let me give you one concrete example of the impact of the OEO programs on the development of native leadership in the Southwest. The Navajo tribe, the nation's largest, will have been governed for sixteen straight years by alumni of the War on Poverty by the time Petersen Zah's first term is over. Many of you know, some of you may not, that Peter McDonald, who was chairman of the Navajo Nation for twelve years (three consecutive terms) was once living a comfortable middle-class life as an engineer in Southern California. He was asked by the tribe to come back to administer the old Office of Navajo Economic Opportunity. They lured him back, and because the old ONEO, as it was known, was a reservation-wide program, Peter got to be known reservation-wide. He traveled all over the reservation; hence, by 1970, he was ready to challenge Raymond Nakai for the chairmanship. He was that well known. Petersen Zah ran the forerunner of an OEO program, the DNA, which was the reservation's legal assistance program for poor people. It later came under the National Legal Services Corporation, but it was born of the War on Poverty. Zah succeeded Peter McDonald as chairman of the nation's largest tribe for a four-year term in 1982, as most of you know.

Delfin J. Lovato, who would have served twelve consecutive years as chairman of the All Indian Pueblo Council had he finished his third term, started out as an accounting specialist in the Technical Assistance Office of Arizona State University, which provided technical assistance to tribes implementing the programs of the War on Poverty. There is another fellow named Jim Hena who went from a blue-collar job in Los Alamos to the directorship of the Eight Northern Pueblos Indian Council. During the administration of Commissioner Louis Bruce, he had a gang of young Indian activists around him who were known collectively as "Bruce's Braves." Jim Hena was one of them. All of these examples should be convincing enough of the kind of leadership developed through the OEO programs. All were graduates of the War on Poverty, and they could be multiplied many times over.

The other important thing I wanted to touch on is the emancipation of women; of bright, energetic, visionary Indian women for the first time, within the reservation setting, from the home. They came out to work in Project Head Start, then later in kindergarten. They also became management interns and ran programs. Some who worked for Head Start began taking courses that eventually led to A.A. and B.A. degrees. I am sure the Pueblos are not an aberration. LaDonna Harris tells me that some of what I am talking about also happened in Oklahoma. A whole class of Native American women, born and

raised and still living on the reservations, constituted a small but growing professional class within the communities while the programs were in effect. And it is that progress which has been sadly interrupted by the gutting of the federal programs. But I know eight women from the Eight Northern Pueblos who, at various ages, but all over thirty, graduated from New Mexico colleges and universities. Some of them attended college part-time for several years while raising families. That never would have happened without these particular federal programs. I would also have liked to talk about Public Law 638, but let me just end with a few quick observations. It would be a shame if, after all this review, I did not try to make a few observations about where I think things are going.

First, I hate the word Indian/white relations because the connotation is one of homogeneity on each side, and there is no such thing. There are many tribes, just as there are many attitudes and shades of opinion on the part of white people regarding Indian matters, if they think of Indians at all. With that caveat, there are several comments I would like to make in regard to federal programs and Indian reactions to them that can provide fodder for discussion tomorrow. One is that Americans—mostly white Americans—are upbeat about America these days, thanks to the spectacular showing of American athletes in last year's Olympic Games here in this very city of Los Angeles, and to the fact that we managed to clobber a tiny Caribbean island [Grenada]. I am just reading *Time* and *Newsweek* like everyone else. Whenever America is upbeat about itself, as it is now, minority concerns recede into the background. And the first people who are going to recede into the background are Indian people, along with their concerns.

So we have been in tough times with the Reagan presidency, and this is likely to continue, because that is the mood of the country. The late, great legal scholar Felix Cohen observed very wisely that Indian people constitute a kind of miner's canary for how the nations feels about itself. If the nation is upbeat, confident, and self-assured, those who stand outside that system, or partially outside, tend to suffer. Now is one such period. But we will ride it out as we have ridden out others of them. At least now there is a whole generation of us who have enough of a sense of history to know that these policy shifts are inevitable. As early as 1974, I was telling friends and relatives, those who were working on federal programs funded by "soft" money, not to buy expensive appliances such as living-room sets or cars, on five-year time payments. I told them these federal programs were going to end, and could end anytime. They would start chopping back anytime. I was not a prophet; rather, by that time I had just read enough American history to know that the pendulum was soon going to swing in the other direction.

This next observation is a sad one. During the sixteen-year period of the vastly expanded federal presence, not only reservations but urban life, too,

have been greatly affected insofar as we have depended for funding on the federal government to keep urban-center programs, adult education, arts and crafts, cultural, and health programs going (urban people are also very much on my mind in all of this). But during this era of the expanded federal presence, I am sad to say that all tribes, even the most isolated, traditional ones—Hopi, Santo Domingo, Taos—have become overwhelmingly dependent on the federal government for their economic viability.

Not more than a month ago, a small delegation of Pueblo leaders went to Washington, D.C. To my dismay, they were going to Washington to ask the Office of Native American Programs (ONAP), the successors to OEO, for a grant to help teach Pueblo Indians how to farm. I grew up getting up at 4:30 in the morning to weed and irrigate and plant and so on. It turns out that mine was the last generation to learn how to farm in the traditional way. The succeeding generation, and this particular group of Pueblos, happened not to have learned how to farm. They were all working on soft-money federal programs, or at least their parents were, so the garden plots were left bare. Now, because it has skipped a generation, we seem to need federal assistance to teach us how to farm again. I am not too proud of this observation.

This dependence of Indian peoples on the federal government, which accelerated tremendously during the period of the expanded federal presence, is very real, however. It scares the hell out of me. When a whole generation of Indian people grows up without skills that we have had for centuries and centuries, it just scares me. It is cause for real alarm. Somebody had better teach the young people these skills, because the bottom line is that all we have, at least in the Rio Grande pueblos, are small reservations with fertile land and lots of water rights. If we do not exercise these rights, they will find some way to take them away from us. And that is not an isolated problem.

Another thing that is going on is termination by de-funding. Although termination has been disavowed as an active federal policy, including by President Reagan after pressure forced him to make a statement on Indian affairs midway through his first term, there is a kind of de facto termination. It is occurring by de-funding—by just not funding programs, thereby ignoring the law of the land and just cutting the funding out from under programs. Without funds, there is de facto termination. It may be program by program, but it adds up to termination, nonetheless. You can call it by another name, but that is the effect, and it is very much an ongoing policy of this administration.

What President Reagan's administration advocates instead is reliance on private-sector investment and involvement on reservations. I would just call to mind the bingo mania that has afflicted tribes across the country. You notice that only those tribes which are located near sizeable towns can capitalize on bingo operations. There are four in the pueblos, including one in mine,

San Juan Pueblo. They are all quite successful. But San Juan and Tesuque are near Santa Fe, Los Alamos, and Espanola, whereas the ones in Acoma and Sandia draw on those huge pools of especially military retirees from Albuquerque. These people have put in thirty years, are in their fifties and in good health with great energy, and they are often bored on Thursday evenings and Sunday afternoons. There are legions of them out there spending their military entitlements on bingo.

Here is a third observation. I do not know how many of you saw the report of the President's Commission on Reservation Economies, but there the Bureau of Indian Affairs is again under heavy attack. Whenever the bureau is under heavy attack, Indian people, watch out! Being such an old agency, they know how to dodge and how to fight back. One of the ways they fight back is to delay funding, to hold up programs. The bureau has been under attack before. And when it is under attack, this time in the final report of the President's Commission on Reservation Economies, it deserves the attention it is getting. When you have liberal, Democratic Indians agreeing with conservative, Republican Indians, who predominated on the president's appointed commission, they must really be on to something. And all of them agree on the inefficiency of the bureau in attracting and keeping private-sector industries and jobs on reservations. It is utter bureaucratic inertia. That the bureau spends 73 cents per dollar on itself, that is to say, on salaries and overhead expenses and so on, is shocking. And only 27 cents out of each dollar actually goes to fund reservation programs. That is why the commission recommended the abolition of the bureau—so that all or more of that dollar could go directly to funding reservation programs, as was originally intended. But the report itself makes for fascinating reading. It is a case of déja vu. We have been here before. The figures have changed, but the basic accusations remain the same.

If the Navajo tribe decided on a bingo operation, what pool would they draw from? There are no significant cities near the Navajo reservation. Gallup comes the closest. What about Duck Valley in northern Nevada? And so on and so forth. For the most part, there is no private sector on most Indian reservations, and no possibility of such unless it is mineral exploitation. What Reagan administration people mean by the private sector is essentially that they will rip open the earth wherever there is strippable coal or other resources such as minerals, natural gas, or oil. That will be if the tribes let them in. That may be the only way they are going to get tribal income from the private sector.

Finally, overriding all of this is one of the sad generalizations you have to make of the whole of Indian administration, and D'Arcy McNickle noted this several times with great frustration in his major work *They Came Here First*.

It is namely that, if a program does not show dramatic results immediately, meaning within two or three years after it is instituted, then it is likely to be scuttled by the next administration. This is one of the things that experienced hands like me mean by the "zigzag" nature of Indian policy. It has always been that way. Something is started and it may be spectacularly successful. The Indian New Deal had the enduring impact it did because the same president, a popular one through most of three terms, could defend and essentially protect it. We have not been so lucky with recent administrations. One goes this way, the next one reverses field and goes the other way, and so even really good programs like some of those of the 1964–1980 period have been scuttled.

Finally, if I have drawn a very tragic picture all around, I did not mean to, because there are many differences between, say, 1955 and 1985. One major difference is that today we may have tough years ahead, yes, but today we have educated people deployed at all levels and in all sectors of American society, and at almost all levels of government except at the highest. We have people in policy-making positions. According to Sam Deloria, there were some twenty-five Indian attorneys in 1965 and five hundred in 1983. There are somewhere between five and six hundred Indian attorneys now in the United States. These are big differences. However much the craziness increases around us, I do not think that these kinds of people are going to slide back to the way they were in the pre-1964 years. Quite simply, we will fight if we have to.

AMERICAN INDIAN VALUES AND THE INSTITUTIONALIZATION OF IRA GOVERNMENTS

Duane Champagne

About fifty years ago the U.S. government, by means of the Indian Reorganization Act of 1934 (IRA), introduced relatively specialized and secular governmental structures on the reservations of federally recognized tribes. Even tribes that elected not to adopt IRA governments were induced to adopt bylaws and form councils that operated under Bureau of Indian Affairs (BIA) administration.[1] According to Commissioner John Collier, the intent of IRA policy was not to reproduce U.S. forms of government on the reservations but rather to promote economic development and political reorganization without disrupting traditional cultural institutions.[2] Nevertheless, IRA governments embodied many implicit Western cultural presuppositions that did not necessarily match those held by reservation populations. When the U.S. government introduced elections, rules of parliamentary procedure, constitutions, and other features of the Western political tradition, the government was, in effect, asking reservation Indians to undertake a major reorganization of their social, cultural, and political relations.

According to U.S. law, whenever a tribe elected to adopt an IRA government or decided to adopt bylaws under BIA administration, such an act was sufficient to legally establish the new form of government. After acquiescence, reservation populations were held accountable by BIA officials to conform to and uphold the newly established laws and constitutions. Is this legalistic-bureaucratic definition of institutionalization an accurate picture of Indian commitment to upholding contemporary forms of reservation government? To what extent and in what ways have reservation Indians committed themselves to the goals of IRA tribal governments and to participation in its organizational structure?

Sociological theory defines institutionalization in a different way.[3] One theory argues that institutionalization can take place only when social actors internalize common norms and values, which motivate the individual to fulfill role expectations within the social structure.[4] Furthermore, the institutionalization of a Western democratic government is usually accompanied by independent developments in the internalization of commitments to secular values, to procedural normative order and laws, and internalization of loyalties to the national society, which take precedence over loyalties to local groups and kinship members.[5] According to this theory, the question of institutionalization of IRA tribal governments can be reduced to an investigation of the extent to which reservation populations have internalized secular values, have internalized American legal and parliamentary procedures, and have internalized the primacy of tribal loyalties over commitments to local and kinship ties. Needless to say, there is considerable variation within and between reservation populations in the levels of internalization of these values and commitments. Furthermore, there is also no reason to believe that the external introduction of a new political system, such as an IRA government, will result automatically in its institutionalization.[6]

Values, Norms, and Solidarity

A systematic study of political institutionalization on Indian reservations would require a major research effort, but some indications can be gathered from the existing literature and research. Of the three major criteria for political institutionalization, social solidarity has probably received the most attention, so we begin with that issue.

Social Solidarity

IRA governments presuppose that primary political loyalties will be given to the tribal government. This concept of centralized political loyalties runs counter to the traditional political systems of most, though not all, American Indian societies.[7] The primacy of political commitments to villages and/or kinship groups was a feature of most traditional Indian nations. Fried argues that broader tribal identities emerged only after European contact.[8] For example, the primary Creek political unit throughout the history of their confederacy and into the present century, was the tribal town, which combined religious, political, and kinship institutions.[9] Likewise, the Iroquois Confederacy was built on a kinship structure that placed primary political loyalties with lineage, clan, and village groupings.[10] Bee shows that the Quechan were organized by localized kinship groups, each of which had its own independent

leader.[11] The Quechan retained this local-kinship political structure despite the introduction of an IRA government and the social programs of the sixties. Furthermore, the persistence of Quechan factionalism was traced directly to the continuity of traditional-kinship political groupings. Although the Quechan shared tribal ceremonies and a common belief system, there was no centralized political authority, and each of the several major kinship-settlement groups asserted considerable political autonomy from the others.

Among the contemporary Crow, several clans continue to operate as major political groupings that participate in the Crow tribal government institutions. The Crow clans gather their members for the quarterly tribal meetings in order to ensure voting strength. This is especially important since every adult member of the Crow tribe has a vote in the tribal council; and there is constant competition among leaders to form a majority coalition, which will by virtue of numbers control the tribal council meetings and therefore the tribal government.

Extended families are important groups for mobilizing political support among the contemporary Blackfeet, Northern Cheyenne, and Sioux. A Sioux from South Dakota once informed me that local politics on his reservation could be characterized as a struggle between contending extended families. Those families which failed to put a kinsman on the tribal council were deprived of direct access to tribal government resources.[12] One indication of a general continuity of traditional local and kinship political loyalties within contemporary American Indian societies may be the absence of formal political parties in reservation politics.

The persistence of local and kinship political loyalties presents difficulties for institutionalizing Western political structures such as the IRA governments. This is partly because the Western cultural assumption of direct individual political participation is mediated by the influence and loyalties of kin groups. IRA constitutions and tribal bylaws do not recognize kinship groups as political units. Not only is the assumption of individual political participation not upheld in many cases but in societies where kin or local groups command primary political allegiances there is also difficulty in maintaining the sustained political consensus and social solidarity which are implicitly required by a centralized political structure like the IRA governments. As already mentioned, Bee describes the Quechan as failing to gain more than occasional political unity among the major kinship political groups.[13] Crow political relations are characterized by shifting coalitions, which political leaders try to bind together into majority coalitions with promises—if supported and elected—of material reward gained by access to tribal government office. Some reservation subgroups may not recognize the legitimacy of the IRA government. For example, in the early seventies, the descendants of Red

Cloud's Band on the Pine Ridge reservation claimed independence from both the IRA and the political faction that dominated the Pine Ridge government.[14] Former-Commissioner Louis R. Bruce, as late as 1976, stated that reservation groups which worked within the IRA government were often challenged by traditionalists, who claimed to be the heirs of the local tribal culture and repudiated the claims of the IRA government leadership.[15] The continuity of subtribal political allegiances and the direct challenge of traditionalists indicates that many reservation Indians have not internalized the primacy of political commitments to centralized IRA governments over other political and cultural allegiances. Consequently, it appears likely that the form of political solidarity which is required to institutionalize a Western form of government, such as an IRA government, may be absent in many reservation Indian communities.

Normative Order

Western political forms are structured like voluntary associations, which have written constitutions that represent the agreement of interested parties to common rules and procedures of government. The laws provide protections of individual rights and due process, while in turn the individual agrees to abide by the law and commit himself to upholding the political and governmental process. The introduction of IRA governments onto reservations differs from this conception of a voluntary association since IRA governments were established by an external party, the U.S. government, and were not necessarily initiated through the common values and interests of the reservation populations. When a reservation group elected to accept an IRA constitution or to adopt bylaws, these acts, according to BIA implementers, sufficed to bind tribal members to compliance with the new laws and procedures.

A question arises as to whether acceptance of the new government entailed the internalization of its laws and procedures among the reservation population. The formalistic, procedural, and secular laws embodied in IRA constitutions differ significantly from the traditional mode of Indian government.[16] In many Indian societies, political decision making depended on obtaining a consensus among interested groups. A group that did not agree to a certain action could withdraw, and the others could either drop the issue or proceed without the participation of the dissenters. Tribal leaders did not command but tried to influence the decision-making process towards a mutually acceptable conclusion.

There is evidence that decision making in some tribal governments still conforms to traditional modes of negotiated consensus formation. For example, Garbarino, in his study of the Florida Seminole, points out that BIA officials

exert considerable control over the tribal government through their use of rules and procedures, of which tribal officials have less understanding and knowledge.[17] Seminole leaders are forced to mediate between the formal laws of the IRA constitution and the demands of traditional political decision making. Seminole leaders must gain a consensus within the community before implementing a decision. Otherwise, tribal government decisions would stir opposition and elected officials would bear the weight of hostility and passive resistance from the community. Although elected officials have delegated powers under the constitution, they continue to adhere to traditional political decision-making practices, which dictate that no action should be undertaken until a community consensus has been formed. Seminole leaders do not make independent decisions for fear of seeming autocratic or authoritarian. Thus, the Florida Seminole continue to emphasize traditional modes of political decision making, while knowledge of and conformity with the laws and procedures of the IRA tribal government are secondary to the process of negotiated community consensus formation.

A similar observation was made in my own fieldwork among the Northern Cheyenne. Elected members of the tribal council made most of the decisions, while the chairman usually did not vote. Occasionally, decisions made by the council came into conflict with the laws or written procedures of the tribal constitution or ordinances. On these occasions, the agency superintendent intervened and directed the tribal council to retract its decision and make one that conformed to tribal government law. On important issues, the council hired lawyers to interpret laws and procedures. Sometimes, each major faction hired its own lawyer because it would not trust the interpretation of a lawyer hired by an opposing faction. During these discussions, councilmen showed relatively little knowledge of tribal government rules and regulations, which were important only when they interfered with the decisions of the council. BIA officials and, at times, the hired lawyers harangued the tribal council on the need to conform with its own constitutional procedures and laws.

Both the Florida Seminole and Northern Cheyenne cases indicate that tribal leaders have not fully internalized knowledge and use of written laws and procedures.[18] Traditional means of decision making persist. Conformity to written tribal laws and formal legal procedures does not emerge from checks and balances within the tribal government or from internalization of commitments to uphold the laws. BIA officials play a major role in seeing that tribal government action conforms to written laws and regulation. Consequently, some reservation populations are unwilling to make or internalize a commitment to conform with IRA constitutional laws and procedures—although such commitments are a necessary condition for the institutionalization of IRA governments, according to the sociological definition.

Values

A third criterion for the institutionalization of IRA governments is that reservation populations internalize both generalized and secular value commitments that serve to legitimate participation in the new political structure. IRA governments, in the Western tradition, are formally separate from religion. This separation of religion and politics demands a radical reorientation by tribal groups that traditionally had a close interrelation between tribal political and religious spheres. For example the traditional Cheyenne Council of Forty-four performed both ceremonial and religious functions. After the mid-thirties, the IRA government excluded both the Chiefs and Warrior societies from direct participation in the political decision making, although both groups continue to perform Northern Cheyenne ceremonial activities. At least until recently, the Northern Cheyenne have tried to "spiritualize" the IRA government by electing men of outstanding religious commitment to tribal office. John Woodenlegs, who was many times the Northern Cheyenne tribal chairman, was also a leading activist and president of the local chapter of the Native American Church.[19] Similarly, among the Crow, whose constitution is not under IRA rules, the tribal leadership was dominated by members of the Native American Church during the late forties and fifties. Crow tradition demands that tribal leaders own a powerful medicine bundle and through action show that they are capable leaders, all of which is an indication of supernatural aid from strong spirit helpers.[20] Even today, Crow tribal leaders have strong religious commitments, which can be Christian, Native American Church, or traditional.

Both the Crow and Northern Cheyenne show informal resistance to the complete secularization of political relations. The continuity of religious forms of legitimation for tribal leadership conforms more to traditional political patterns than to Western secular political models.

Conclusion and Implications

According to the sociological definition, IRA governments will become institutionalized if reservation populations internalize commitments to secular values, formalistic laws and procedures, and nonlocal, nonkin-based forms of political solidarity. The data presented above indicate that several reservation populations have not institutionalized Western forms of reservation government.[21] I cannot present systematic data to support this argument fully; nevertheless, the weak institutionalization of IRA governments, in the sociological sense, is most likely a widespread phenomenon among reservation populations. Consequently, the current institutionalization of IRA governments

must be explained by appeals to external forces rather than through commitments internalized by reservation populations. Several scholars argue that the BIA and tribal governments are upheld by the dominant society's values and serve the dominant society's political and economic interests rather than tribal interests.[22]

What are some of the practical consequences of a political system that is weakly institutionalized by the members of its own society? Political structures with weakly internalized commitments from their constituents tend to be unstable, inefficient, and conflict ridden. The continuity of traditional norms and values indicates that tribal governments will not be fully institutionalized within the foreseeable future. Consequently, conflicts will continue to arise from the different cultural expectations regarding political participation in IRA tribal governments held by reservation populations and those held by the forces of the Western cultural assumptions of individual commitment and participation embodied in IRA constitutions and law. Interventions by the BIA to enforce the letter of tribal-government law inhibit traditional cultural expression and political autonomy, and tend to foster resentment against BIA officials. This cultural conflict may help in part to explain the "love-hate" feelings of reservation populations toward the BIA. On the one hand, the BIA controls necessary resources and is a symbol of U.S. commitment to upholding Indian treaties; on the other hand, however, the BIA demands adherence to Western forms of political and bureaucratic action, which are alien to Indian traditions. Consequently, the BIA appears to be culturally and politically dominating.

Furthermore, the continuity of subtribal political allegiances mitigates against maintaining sustained tribal solidarity and provokes competition between groups for access to limited tribal resources. The resulting factionalism inhibits the achievement of tribal goals and excludes subordinate factions from direct participation in the tribal government.

The weak internalization by Indians of Western laws and procedures, of Western values and forms of political solidarity, contributes to a distinctly non-Western form of Indian participation in IRA governments. U.S. demands that Indians conform to Western political patterns will cause continued conflict, resentment, and misunderstanding.

NOTES

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1. Graham D. Taylor, *The New Deal and American Indian Tribalism* (Lincoln: University of Nebraska Press, 1980), 36.
2. Ibid., 30.
3. There are several contending theories of institutionalization current in sociology. Exchange theorists emphasize individual interests and expectation that benefits will outweigh costs as a basis for continued social interaction (see George Homans, *Social Behavior: Its Elementary Forms* [New York: Harcourt, Brace & World, 1961], chapters 4 and 8). Conflict theorists and Marxists emphasize control over political and economic power as a means of maintaining the stability of class and state structures (see Mario Barrera, *Race in the Southwest* [Notre Dame, Ind.: University of Notre Dame Press, 1979], 157–173; Theda Skocpol, *States and Social Revolution* [Cambridge: Cambridge University Press, 1979], 24–33 and passim). Neofunctionalists have recently tried to synthesize conceptions of individual interest, values, and power into a single theory (see S. N. Eisenstadt and M. Curelaru, *The Form of Sociology-Paradigms and Crises* [New York: John Wiley & Sons, 1976] and Jeffrey Alexander and Paul Colomy, "Toward Neo-functionalism: Eisenstadt's Change Theory and Symbolic Interaction," *Sociological Theory* 2). For the purposes of the present paper, we have opted for the primarily cultural theory of Talcott Parsons.
4. Talcott Parsons, *The Social System* (New York: The Free Press, 1951), 42.
5. Talcott Parsons, *The Evolution of Societies* (Englewood Cliffs, N.J.: Prentice-Hall, 1977), 234–235; Neil Smelser, *Social Change in the Industrial Revolution* (Chicago: The University of Chicago Press, 1959), 14–16.
6. S. N. Eisenstadt, "Institutionalization and Social Change," *American Sociological Review* 69 (1964): 378; S. N. Eisenstadt, "Social Change, Differentiation, and Evolution," *American Sociological Review* 69 (1964): 246.
7. Robert Lowie, "Some Aspects of Political Organization Among American Aborigines," in *Comparative Political Systems*, ed. Ronald Cohen and John Middleton (Austin: University of Texas Press, 1967).
8. Morton Fried, *The Notion of Tribe* (Menlo Park, Calif.: Cummings, 1975).
9. John R. Swanton, "The Social Significance of the Creek Confederacy," *Proceedings of the International Congress of Americanists* 19 (1915): 327–334.
10. William Fenton, "Locality as a Basic Factor in the Development of Iroquois Social Structure," in *Bureau of Ethnology Bulletin 149* ed. William Fenton (Washington, D.C.: U.S. Government Printing Office, 1951), 35–54; Richard Haan, "The Problem of Iroquois Neutrality: Suggestions for Revision," *Ethnohistory* 27 (1980): 317–330.
11. Robert Bee, *Crosscurrents Along the Colorado* (Tucson: University of Arizona Press, 1981), 163–164.
12. Duane Champagne, fieldnotes (1983). See also *Meetings of the American Indian Policy Review Commission*, vol. 1 (Washington, D.C.: U.S. Government Printing Office, 1976), 69. Senator Abourezk:

> Now going back to the Pine Ridge example, an awful lot of federal money has gone into Pine Ridge and an awful lot of it was administered by [a tribal chairman]. One guy. And

> he essentially ran that government without the tribal council for a number of years simply because the constitution provided that the executive council could do it. He could make all the decisions. Where is the money going to? . . . In fact the money was distributed by [the tribal chairman] in such a way that through the family relations, and so on, that he kept himself fairly well in office.

One should probably note that Alaska Natives are organized into politically autonomous villages and since the late sixties Alaska Natives have formed both regional and state organizations as a way of pursuing collective land claims. The relatively successful Alaska Native Claims Settlement Movement was, however, undertaken with little BIA overview, a situation which does not hold for the reservations in the lower forty-eight.

13. Bee, *Crosscurrents Along the Colorado*, passim.
14. *Occupation of Wounded Knee* (Washington, D.C.: U.S. Government Printing Office, 1974), 95ff.
15. *Meeting of the American Indian Policy Review Commission*, vol. 14 (Washington, D.C.: U.S. Government Printing Office, 1976), 96; see also Taylor, *The New Deal*, chapter 4.
16. In some traditional societies, like the Cheyenne and some of the southeastern societies, laws were explicitly handed down through prophets or ancient priests (see Peter Powell, *The Cheyenne, Ma?heo?o's People: A Critical Bibliography* [Bloomington: Indiana University Press, 1980], i–xii; James Adair, *The History of the American Indians* [New York: Johnson Reprint Company, 1968], 80–130). Consequently, religion, law and morality had a close association in these traditional societies.
17. Merwyn Garbarino, "Independence and Dependency Among the Seminole of Florida," in *Political Organization of Native North Americans*, ed. Ernest Schusky (Washington, D.C.: University Press of America, 1980), 154–156.
18. There appears to be considerable variation in the use of parliamentary procedures among Indian tribes. On the one hand, the Crow actively manipulate parliamentary rules to gain political advantages in their tribal council meetings. The Tlingit and Haida, on the other hand, have a tradition, dating back to the second decade of this century, of adept use of parliamentary rules. All meetings of the Alaska Native Brotherhood and Sisterhood are run according to strict parliamentary procedure. Training and command of parliamentary rules gained while in service to the Alaska Native Brotherhood is one basis for advancement to important board and management positions within Sealaska Corporation and the Tlingit-Haida Central Council.
19. Northern Cheyenne Tribal Records.
20. Fred Voget, "Tradition, Identity, and Adaptive Change Among the Crow of Montana," in *Political Organization of Native North Americans*, ed. Ernest Schusky (Washington, D.C.: University Press of America, 1980), 167–169.
21. Both the Tlingit-Haida and the Cherokee are examples of Indian societies which have formed state or state-like political insitutions, according to Parsons' definition of institutionalization. The Cherokee formed an independent state in 1827. The Choctaw, Chickasaw, and Creeks exhibit varying success in institutionalizing their states during the nineteenth century. The Tlingit and Haida formed the Alaska Native Brotherhood (ANB) in 1912, and it proved to be an effective organization for representing Tlingit-Haida interests in Alaska politics and to the U.S. government. Between 1929 and 1957, the ANB pursued a land claims suit which

ultimately ended in a cash settlement and recognition of Tlingit-Haida land claims. Notably, both the Tlingit-Haida and Cherokee formed their political institutions in nonreservation environments.

22. Several scholars use the concepts of internal colonialism or colonial to point out the political, economic, and cultural domination of U.S. institutions over Indian reservations (see Bee, *Crosscurrents Along the Colorado*). According to Joseph Jorgensen (*The Sun Dance Religion* [Chicago: The University of Chicago Press, 1972], 10), reservation Indians are subject to IRA tribal governments, the BIA, the Secretary of the Interior, and various congressional committees, all of which in effect manage internal and external decisions and financial matters of reservation populations. Despite recent efforts toward self-determination, the Department of the Interior and the BIA continue to exercise considerable decision-making power over tribal governments (see Theodore Taylor, *The Bureau of Indian Affairs* [Boulder, Col.: Westview Press, 1984], 75; Duane Champagne, "Organizational Change and Conflict: a Case Study of the Bureau of Indian Affairs," *American Indian Culture and Research Journal* 7:3 (1983): 3–28; George Castile, "Federal Indian Policy and the Sustained Enclave: an Anthropological Perspective," *Human Organization* 22 (1974): 219–227; Garbarino, "Independence and Dependency;" Jeanne Guillemin, "The Politics of National Integration: A Comparison of United States and Canadian Indian Administrations," *Social Problems* 25 (1978): 319–332.

PUBLIC LAW 280—FROM TERMINATION TO SELF-DETERMINATION

Carole Goldberg-Ambrose

Ten years ago, I wrote an article about Public Law 280,[1] the congressional act passed in 1953 that transferred federal civil and criminal jurisdiction over Indian country to some states, and permitted other states to receive such jurisdiction if they followed certain procedures.[2] I said in that article that:

> Broadly speaking, the model for federal Indian policy seems to be changing from one favoring state power with minimum protection for Indian interests to one favoring tribal autonomy with minimum protection for state interests. Nevertheless, since PL-280 is the most direct evidence of congressional intent with respect to state jurisdiction, the debate over the scope of state power on Indian reservations must contend with policy choices Congress made when PL-280 was enacted.[3]

By that I meant that so long as this statute, born in the termination era, was not repealed, its particular accomodation of state and tribal interests would have to be ascertained and applied to Indian country. In fact, Public Law 280 had since been amended (in 1968) to require Indian consent before state jurisdiction could be extended to any Indian reservation.[4] But that amendment applied prospective only. The pre-1968 assertions of state jurisdictions remained unaffected by the amendment,[5] except to the extent that the states wished to return their jurisdiction to the federal government.[6] What I was trying to explain was how the jurisdiction assumed by *states* before 1968 would have to be understood.

The passage I quoted was written at a time when an unprecendented era of litigation asserting Indian rights was getting underway. Federally funded legal services located on Indian reservations, back-up legal assistance centers like the Native American Rights Fund, and a cadre of innovative tribal lawyers were launching a major assault to protect tribal sovereignty from state and federal power. Looking back now at the result of their efforts, I see that something funny happened to Public Law 280 on the way to the courts. As fast as

creative lawyers could expose and concoct ambiguities in the law, courts were interpreting it so as not to delegate jurisdiction to the states. What has emerged is a Public Law 280 that has been stripped of some, although not all, of its threat to tribal autonomy, a Public Law 280 more attuned to the policies of the 1970s and 1980s than to the policies of the 1950s. Indeed, as I had hoped ten years ago,[7] we are even seeing Public Law 280 invoked in some contexts as grounds for denying state jurisdiction that might otherwise be found to exist even without federal delegation. While the courts are not unanimous in employing Public Law 280 to this end, some have adopted the view that a state's failure to comply with Public Law 280 disables it from arguing for "inherent" state jurisdiction.

These developments, which I will describe shortly, are interesting in their own right, as they illuminate questions of the extent of state jurisdiction on Indian reservations. But they are also interesting for the light they may shed on the evolution and course of Indian policy. Because of the shifts that have occurred over the past two hundred years in the thrust of federal Indian policy,[8] it frequently occurs that courts must interpret in one era legislation or policies derived from a very different period. While the problem is not unique to it,[9] Indian law provides an exaggerated case because policy and legislation have changed so often and so dramatically.

What should the courts do? Should they carry out the original spirit of older laws that have not been repealed, even though current policy rejects that spirit? The following passage from a very recent federal circuit court of appeals decision suggests a negative answer: "Vague or ambiguous federal statutes must be measured against the 'backdrop' of tribal sovereignty, especially when . . . contemporary federal Indian policy encourages tribal self-government."[10] The solution to this dilemma is not quite so obvious when we examine the case law, however.

Consider, for example, the case of the statutes enacted around the turn of the century that resulted in the "allotment" of Indian tribal lands.[11] In several decisions during the 1970s, the Supreme Court addressed whether allotment-era statutes should be viewed as terminating the Indian-country status of certain reservation lands opened for public sale.[12] (Indian-country status is important because almost all of the special legal principles defining tribal jurisdiction and limiting state jurisdiction apply only within territory with that label.) Ignoring prevailing Indian policy that favors tribal sovereignty (and hence preservation of Indian-country status),[13] the Court held that the allotment laws had diminished the extent of Indian country.

Another instance in which modern courts have had to grapple with the policies of the allotment era is the litigation over the right of the Pyramid Lake Paiute Tribe to water needed to maintain a fishery in Pyramid Lake. The ques-

tion in the most recent round of litigation to reach the United States Supreme Court was whether the tribe was precluded from asserting a water rights claim because of an earlier water rights suit brought early in the twentieth century by the United States.[14] It happened that the United States had not asserted claims related to maintaining the fishery in this earlier litigation, and non-Indians competing for the water argued that the Indians could not make a claim now because the United States had failed to make the claim in that earlier suit. The reason the United States had not raised the claim is that the then-prevailing policy of allotment and assimilation had dictated obtaining water for agricultural use only, not water for the maintenance of a traditional fishery at the lake. In its decision, the United States Supreme Court refused to permit the Indian claims, essentially indicating that whatever judgment the federal government had made at the time of the original litigation should continue to prevail. Had the Court attempted to understand the issue in the light of current Indian policy, the decision probably would have been to permit litigation of the Indian claims, because *current* policy, at least on its face, supports Indians' rights to choose their own way of life.

Moving from the allotment-problem cases, it is easy to find other illustrations of the need to interpret statutes of one era in another.[15] In *Rice v. Rehner*,[16] a 1953 congressional act dealing with the sale of liquor on reservations delegated regulatory jurisdiction to the states over reservation liquor sales for off-premises consumption.[17] The statute in question replaced a longstanding federal scheme that had prohibited all liquor sales on reservations. Under the new provision, liquor sales on reservations are a federal crime unless undertaken "in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country." In deciding that the statute did delegate regulatory jurisdiction to the states, the Supreme Court rejected modern interpretations of the statute by the solicitor of the Interior Department in favor of less definitive but much earlier interpretations.[18] These earlier interpretations had been offered during the same pro-termination era that gave rise to the statute itself. Had the Court been willing, as the dissenting Justices were, to place more weight on recent agency views of the statute and current statutory policy,[19] state regulatory jurisdiction would have been rejected.

If I am right that major federal Indian policy changes sometimes have had little effect on the interpretation of federal Indian legislation (at least where the legislation is assimilationist, and the new policy favors self-determination), Public Law 280 must be viewed as a counter-example. In contrast to the allotment acts and federal regulation of liquor on reservations, Public Law 280 has been understood and applied with an eye on contemporary Indian policy.

Because of the way it has been treated in the courts, Public Law 280 may teach us valuable lessons, both as we strive to assess what it is about the history or nature of this legislation that has contributed to this particular treatment, and as we probe the proper role of policy change in the interpretation of statutes.

Before undertaking such speculation, I should explain how Public Law 280 has been handled by the courts. Probably the most important decision affecting the interpretation of Public Law 280 is the Supreme Court's 1976 decision in *Bryan v. Itasca County*.[20] *Bryan* held that Public Law 280 had not transferred regulatory jurisdiction to the states. In that case, involving a state personal property tax, traditional Indian immunity from state taxation remained, even though the state had been designated a mandatory jurisdiction state under Public Law 280. The argument could have been made that the specific reference in Public Law 280 to Indian immunity from taxation of trust property implied that other forms of state taxation were acceptable. The Court rejected that argument, justifying its choice partly on the grounds that federal Indian policy had changed dramatically since 1953, when Public Law 280 was enacted.[21] The impact of this decision cannot be overestimated. Much of what states do is in the form of regulatory and licensing laws. Zoning, professional licensing, and a host of other state actions are kept off the reservation by this decision.

Especially remarkable is how *Bryan* has affected state criminal jurisdiction under Public Law 280. *Bryan* involved an essentially civil-law matter (the taxing scheme), and the Court rested its decision in part on an understanding of the legislative history of the portion of Public Law 280 dealing with civil jurisdiction. In particular, Congress had seemingly thrown civil jurisdiction into Public Law 280 as an afterthought.[22] Thus, in the *Bryan* decision, the Supreme Court felt comfortable about limiting Public Law 280's civil jurisdiction to claims between private individuals, such as personal injury claims and breach of contract actions. At least two federal circuit courts of appeal, however, have applied *Bryan* to situations where the states have been attempting to enforce their criminal laws against bingo games on reservations.[23] These courts have indicated that, so long as the criminal laws are merely adjuncts to a state scheme designed to regulate rather than ban the playing of bingo, those laws do not fall within state power under Public Law 280. What is fascinating about these holdings is that they were made in the face of rather unequivocal language in Public Law 280 transferring criminal jurisdiction to the states. Again, there is little doubt that the transformation of federal Indian policy played some role in this restrictive interpretation of Public Law 280.

Another important judicial ruling that has restricted the force of Public Law 280 is *Santa Rosa Band v. Kings County*,[24] decided by the Ninth Circuit Court of Appeals in 1975, and recently reaffirmed by that court in the face of a re-

quest that it be overruled.[25] *Santa Rosa* held that Public Law 280 only transferred to states civil jurisdiction to apply state laws of statewide application.[26] County and city ordinances were not to be included within the scope of Public Law 280's delegation. If we take this decision together with the fact that tribal jurisdiction may remain concurrent with state jurisdiction under Public Law 280 to the same extent that tribal jurisdiction was concurrent with federal jurisdiction before the Public Law 280 transfer,[27] what we have left is tribal power that operates, in both the civil and criminal fields, much like non-Indian local government power. There have been no court decisions specifically dealing with whether tribal jurisdiction is concurrent, but the legislative history gives some support to that position. Given the way Public Law 280 has been interpreted over the last ten years, there is a good reason to believe that tribal jurisdiction will be upheld.

As the general outlines of state jurisdiction under Public Law 280 have been drawn narrowly, the boundaries of enumerated *exceptions* to Public Law 280 jurisdiction have been drawn broadly. Public Law 280 explicitly excludes Indian trust property and Indian hunting and fishing rights under "federal treaty, agreement, or statute" from the delegation of jurisdiction to states.[28] Not surprisingly, controversy has arisen over the scope of these exclusions. In doubtful cases, the decisions have tended to favor the Indians. In California, for example, the supreme court recently rejected the state's argument that fishing rights established by federal Executive Order (rather than by "treaty, agreement, or statute") were outside the Public Law 280 exceptions.[29] The court indicated that it was sufficient that an Executive Order was promulgated pursuant to statutory authority. Courts have also stretched the language of Public Law 280 to include traditionally exercised hunting and fishing rights not expressly included within treaties or statutes.[30]

I do not mean to suggest that Public Law 280 has never been given an interpretation generous to the states. A notable exception to the tendency to restrict Public Law 280 is the Supreme Court's 1979 *Yakima Indian* decision.[31] There, the Court refused to strike down a Washington law accepting Public Law 280 for some subjects only, and making full Public Law 280 jurisdiction turn on tribal consent. It also refused to require that states amend their constitutions to accept Public Law 280 jurisdiction in the few states that had constitutional disclaimers of Indian jurisdiction. There was language in Public Law 280 that could have been found to invalidate assumptions of jurisdiction undertaken without constitutional amendment in these states, as well as language that might have been read to preclude partial jurisdiction. The Supreme Court declined to leap at either of these opportunities to read Public Law 280 narrowly. In the case of partial jurisdiction, however, the 1968 amendments to the act explicitly authorized the practice, which may have been a signal to

the Court that contemporary policy supported the state's action. Thus, only the refusal to require constitutional amendments departs from the trend I have identified.

What remains, then, of Public Law 280, is civil court jurisdiction over private disputes involving Indian, and criminal jurisdiction where statewide, nonregulatory criminal laws are involved. And even this jurisdiction does not exist where the broadly construed exceptions to Public Law 280 apply. When you consider that before Public Law 280, many state criminal laws were enforced against Indians in federal prosecutions under the Assimilative Crimes Act,[32] the change that has been wrought does not seem as dramatic as the language of Public Law 280 might first suggest. I am not arguing that Public Law 280 is desirable for this reason. I am simply pointing out that the law has not compromised tribal sovereignty as much as it might have, had it been interpreted differently.

Not only has Public Law 280 not proven to be as big a weapon for the advance of state jurisdiction as many Indians had feared but it has also served as a shield against the advance of state power on reservations in states that were not initially named and have not subsequently complied with its terms. In these non–Public Law 280 states, as I will call them, the argument often is made that, because a state did not comply with Public Law 280, no state jurisdiction over Indian should be allowed.[33] In several decision, the United States Supreme Court has suggested that the argument should prevail.[34] Given the ascendancy of preemption analysis in Supreme Court Indian law decisions, this indication seems warranted. If there is a statutory scheme prescribing how states may obtain jurisdiction over Indians in Indian country, then it seems contrary to congressional intent to allow state jurisdiction without following the prescribed steps.

Such a straightforward approach to state jurisdiction has not always been followed, although it is usually the state courts rather than the federal courts that stray.[35] (Predictably, there is a dissenting opinion that brings up preemption by Public Law 280 as grounds for denying state jurisdiction.)[36] Some of these cases are premised on the absence of a tribal law-and-order system on the reservation in question.[37] Public Law 280 does not make it any easier for states encompassing reservations without court systems to assume jurisdiction, however; so the argument for Public Law 280 preemption is no weaker, and the cases that support state jurisdiction as filling a void are misguided.

Complicating the preemptive use of Public Law 280 is some uncertainty over precisely which actions are covered by the act. Unless Public Law 280 is to be read as preempting the entire field of state jurisdiction in Indian country (a reading the Supreme Court has refused to give), it is necessary to identify those aspects of state jurisdiction which Public Law 280 encompasses, and to limit the preemptive effect of the act to that realm. One obvious feature of

the statute is that it refers only to jurisdiction over civil suits between Indians, and to criminal jurisdiction only where an Indian is the perpetrator or victim.[38] Another is that it excludes certain forms of state jurisdiction (e.g., regulatory jurisdiction, taxing power, jurisdiction over Indian property and hunting and fishing rights), not because Congress believed Public Law 280's procedures made assumption of state jurisdiction too difficult, but rather because Congress was committed to preserving Indian immunity from such state jurisdiction, even if Public Law 280 were followed. What I am suggesting is that Public Law 280's preemptive effect is strongest where the categories of cases to which it refers are involved, or where the express exclusions are at issue. While even this approach leaves us with some ambiguous cases,[39] it should provide the courts with some valuable guidance. The most troublesome problems will continue to arise in cases involving non-Indians as well as Indians.

Illustrative of these problems are the Oklahoma Supreme Court's recent decision in a state suit to enjoin tribal bingo games, *Oklahoma v. Seneca-Cayuga Tribes of Oklahoma*,[40] and the United States Supreme Court's 1984 ruling in *Three Affiliated Tribes of the Fort Berthold Reservation v. Wold Engineering*.[41] In the *Seneca-Cayuga* case, the state trial court recognized the state's failure to comply with Public Law 280, and the fact that state judicial jurisdiction was sought over an Indian tribe. Nevertheless, the Oklahoma Supreme Court refused to affirm the trial court's decision to dismiss the injunctive action for lack of state subject-matter jurisdiction. The reasoning, unfortunately, was obscure and confused. According to the Oklahoma Supreme Court,

> Because the Tribes cannot consent to the State's assumption of jurisdiction over federally-preempted subject matter—and a State may not accept it—the PL-280 authorized tribal consent applies only to those incidents of cognizance that effect an infringement of tribal self-government. If neither preemption nor infringement is involved, then the test shifts from one of "strict compliance with PL-280" to the presence of state residuary powers.

It is perplexing how the court drew the conclusion that preemption under Public Law 280 was not involved, from the fact that tribal consent had not been achieved within the meaning of Public Law 280. One would think that precisely the opposite conclusion would be reached. Furthermore, it is difficult to conceive how the presence or absence of "infringement of tribal self-government" affects whether "strict compliance with PL-280" is required. The language of Public Law 280 does not at any point advert to such "infringement." Rather, the statute delineates certain categories of cases as those over which states may acquire jurisdiction, *but only* if they comply with the statutory terms. An injunction in state court against a tribe unquestionably falls within the category of cases referred to in Public Law 280.

Where the Oklahoma court erred is in taking excessive heart from a series

of Supreme Court decisions allowing state jurisdiction over *non-Indians* within Indian country.[42] While the state power exercised in these cases did adversely affect Indian tribes as a practical matter (by preventing tribes from marketing their tax exemptions to non-Indians), nevertheless, it was state jurisdiction over non-Indians that was at stake. Such jurisdiction, at least in civil cases, was never the subject of Public Law 280, largely because pre-1953 Supreme Court authority supported such jurisdiction, even where federal delegation was absent. By attempting to extend these cases to situations where state jurisdiction is directed *at the tribe*, but non-Indian interests are also involved,[43] the Oklahoma court improperly allowed state jurisdiction to seep into the area preempted by Public Law 280.

The United States Supreme Court's opinion in the *Fort Berthold* case is another puzzling exercise, although the result is more supportable under Public Law 280 than the result in the Oklahoma case. The unique feature of the *Fort Berthold* case is that the Indians were arguing in favor of state jurisdiction, notwithstanding the state's failure to accept it unconditionally within the terms of Public Law 280. This bizarre circumstance arose because a tribe was attempting to sue a non-Indian entity in state court, and the court was refusing to entertain the action because of a state statute, passed pursuant to Public Law 280, that accepted jurisdiction over Indian-country claims only when the affected Indians have consented to jurisdiction. The Indians were unwilling to proffer such consent because they did not want to become *defendants* in state court actions. The United States Supreme Court became involved in this apparent dispute over state law because the Indians argued that the state statute might be interpreted to allow their suit, despite the absence of consent, if only the state courts were relieved of a misimpression about Public Law 280. The Indians' point was that the state courts misconceived Public Law 280 as governing suits by Indians against non-Indians, and may have interpreted the state statute too restrictively because of this misreading of Public Law 280.

In attempting to clarify the meaning of Public Law 280, the Supreme Court noted that state jurisdiction lawfully assumed before 1953 was lost by the passage of that statute.[44] It also referred to such state jurisdiction as "residuary jurisdiction."[45] What it did not make explicit, however, is that the language of Public Law 280 does not even apply to suits by Indians against non-Indians.[46] In considering the preemptive effect of Public Law 280, it is appropriate to separate the categories of cases covered by the act from those not covered. Thus, there was every reason to view the tribal suit in *Fort Berthold* as outside the intended realm of Public Law 280. Because the Supreme Court failed adequately to articulate this point, it erroneously left the impression that Public Law 280 lacked strong preemptive effect, even within those

categories of cases it encompasses. Ironically, it was left to dissenting Justices Rehnquist and Stevens, who rarely support the Indians, to insist that "Any jurisdiction over Indian country assumed by an option State following passage of Pub. L. 280 must be assumed in accordance with the requirements of Pub. L. 280."[47]

This long discussion of the effect which Public Law 280 has had, both in Public Law 280 states and the others, has been designed to show that courts have taken a statute intended to facilitate state jurisdiction and have molded it in ways that impede the exercise of state power. Returning to my earlier question, why is this so, especially when other federal statutes affecting Indian-country jurisdiction, such as the allotment acts and those regulating the sale of liquor, have not lost as much of their force over time?

A number of possibilities come to mind. Is it because the turnaround in Indian policy was so swift this time? In this case of allotments, there was a fifty year hiatus between the institution of federal policy and its repudiation by the Indian Reorganization Act of 1934.[48] With Public Law 280, only fifteen years elapsed between passage of the act and the enactment of the Indian Civil Rights Act of 1968. Yet the Indian liquor laws at issue in *Rice v. Rehner* were also passed in 1953,[49] and self-determination policy followed just as swiftly. Is what distinguishes Public Law 280 from the Indian liquor law that self-determination policy expressed itself in an amendment to Public Law 280 itself, as well as in other unrelated ways? While Public Law 280 was not repealed in 1968, Congress made it clear that it had significant reservations about the large-scale delegation of jurisdiction to states without tribal consent. Congress has not beaten a comparable retreat from the 1953 Indian liquor laws.

Is it possible that Public Law 280 has had an unusually cool reception in the courts because the history behind it, indeed behind the whole termination effort of the 1950s, is so thin, as Wilkinson and Biggs have pointed out?[50] Again, if that is true, one would expect the Indian liquor laws of the same era to receive similar treatment. Perhaps the difference in treatment is attributable to the much longer history of federal Indian policy relating to liquor sales on reservations. The 1953 law, as pointed out earlier, was actually a relaxation of the longstanding federal prohibition of all liquor sales on reservations.

Has Public Law 280 had a somewhat unique history because it deals with jurisdiction rather than property, as the allotment laws did? Perhaps the courts are much more reluctant to disturb property arrangements, particularly if there is a change in congressional policy but not a repeal of the original legislation. Thus the courts may continue to apply allotment-era policy if departing from it would defeat property-related expectations,[51] but they may be more comfortable altering jurisdiction arrangements, such as those established in Public Law 280, when a policy change occurs. The problem with this distinction is

that jurisdictional schemes can have a significant impact on property values (as when state versus tribal zoning power is at issue), and that people develop expectation interests based on jurisdictional rules, as well as on rules affecting property. Furthermore, the Indian liquor laws at issue in *Rice v. Rehner* related to jurisdiction, not property, yet the Supreme Court has interpreted them more like the allotment acts than like Public Law 280. It remains true, however, that once Congress finds a piece of legislation to be out of rhythm with current policy, it may not want to repeal it for fear of upsetting legitimate expectations. One way the courts can accommodate this situation is by narrowing the scope of application of the statute wherever possible. The courts may be more than willing to do this, as they have in the case of Public Law 280, when they sense that costly alterations in state administrative machinery, and large-scale losses in property values are unlikely to occur. The Indian liquor laws may be sui generis because the Supreme Court found in *Rice v. Rehner* (however incorrectly) that state jurisdiction would not impair inherent tribal sovereignty.[32] If no inherent tribal sovereignty exists, a federal law providing for state jurisdiction cannot be said to contravene current Indian policy supporting tribal sovereignty.

I do not think there is an easy answer to the question of whether and when federal laws should be interpreted in light of current Indian policy. If Public Law 280 has received distinctive treatment, it is altogether arguable that other laws ought to be treated similarly, or that Public Law 280 has been improperly distorted. How one resolves this issue has many implications. If the Public Law 280 model is followed, does that mean the courts should reject self-determination legislation if policy shifts back to assimilationism in its strongest form?

I hope I have stimulated some thinking about these problems. The so-called "canons of construction" in Indian law,[33] which are supposed to dictate interpretations favoring the Indians in doubtful cases, have not proven to be a predictable guide in the application of statutes. There is simply too much room for judges to manipulate whether a case is in fact "doubtful." Case-by-case exploration of statutes, such as I have done with Public Law 280, may help us gain more useful insights into the ultimate impact of federal Indian legislation.

NOTES

1. Act of Aug. 15, 1953, ch. 505,67 Stat. 588 (codified as amended at 18 U.S.C. s 1162, 25 U.S.C. ss 1321–26, 28 U.S.C. s 1360, 1360 note).

2. See Goldberg, "Public Law 280" The Limits of State Jurisdiction Over Reservation Indians," 22 *U.C.L.A. L. Rev.* 535 (1975).
3. Id. at 539.
4. See 25 U.S.C. s 1326. No state has assumed jurisdiction under Public Law 280 since the 1968 amendments were passed.
5. For a description of the nature and extent of jurisdiction acquired by states under Public Law 280, see *F. Cohen, Handbook of Federal Indian Law* 362 nn.122–23 and 125 & accompanying text (1982 ed., The Michie Company).
6. See Goldberg, *supra* note 2, at 558–62.
7. Goldberg, *supra* note 2, at 593.
8. *See F. Cohen, supra* note 5, at 62–206.
9. *See* e.g., G. Calabresi, A Common Law for the Age of Statutes (1982).
10. State of Washing v. U.S. Environmental Protection Agency (83–7763, 9th Cir., Feb. 6, 1985), 12 *Ind. L. Rptr.* 2053 (1985). The general problem is presented and discussed in M. Price ad R. Clinton, *Law and the American Indian* 90–91 (2d ed., Michie 1983).
11. For a concise description of the allotment policy and statutes, *see F. Cohen, supra* note 5 at 127–38.
12. See Rosebud Sioux Tribe v. Kneip, 430 U.S. 584 (1977); DeCoteau v. District Country Court, 420 U.S. 481 (1973).
13. *See, e.g.*, Statement by the President, Indian Policy, Jan. 24, 1982 at 2; *F. Cohen supra* note 5 at 240–41.
14. Neveda v. United States, 103 S. Ct. 2906 (1983).
15. *See, e.g.*, Colorado River Water Cons. Dist. v. United States, 424 U.S. 800 (1976) (interpreting the McCarran Amendment of 1952, 43 U.S.C. s 666(a), which provided consent by the United States to suits or the adjudication of water rights); Montana v. Blackfeet Tribe of Indians, 105 S. Ct. 2399 (1985) state taxation of Indian mineral royalty interests).
16. 103 S. Ct. 3291 (1983).
17. 18 U.S.C. s 1161.
18. 103 S. Ct. at 3301 n.13.
19. *See* 103 S. Ct. at 3307–08 & accompanying notes.
20. 426 U.S. 373 (1976).
21. 426 U.S. at 387–90.
22. 426 U.S. at 379–87.
23. Barona Group of Capitan Grande Band of Mission Indians v. Duffy, 694 F. 2d 1185 (9th Cir. 1982); Seminole Tribe of Florida v. Butterworth, 658 F.2d 310 (5th Cir. 1982). *But cf.* Oklahoma v. Seneca-Cayuga Tribe of Oklahoma (no. 60,074, Sup. Ct. of Okla., July 2, 1985) (Court allows non-Public Law 280 state to prosecute for violation of bingo laws on reservation.).
24. 532 F.2d 655 (9th Cir. 1975).
25. *See* United States v. County of Humboldt, 615 F 2d 1260 (9th Cir. 1980).
26. It is uncertain whether Public Law 280 also limits state *criminal* jurisdiction to criminal laws of statewide applicability. *See F. Cohen, supra* note 5 at 366–67.
27. *See F. Cohen, supra* note 5 at 344–45.
28. 28 U.S.C. s 1360 (b); 18 U.S.C. s 1162 (b).
29. People v. McCovey, 205 Cal. REtr. 643, 654 (1984).
30. *See* Goldberg, *supra* note 2, at 584.
31. Washington v. Confederated Bands of Yakima Indian Nation, 439 U.S. 463 (1979).

32. 18 U.S.C. s 13. *See F. Cohen, supra* note 5, at 387–97.
33. *See, e.g.*, People v. Luna, 683 P. 2d 362 (Colo. App. 1984); Sanapaw v. Smith, 335 N.W. 2d 425, 113 Wis.2d 232 (Wisc. App. 1983); Oklahoma v. Brooks no. S–85–117. Okla. Ct. of Crim. Apps., Nov. 7, 1986.
34. *See* Kennerly v. District Court, 400 U.S. 423 (1971); McClanahan v. State Tax Commission, 411 U.S. 164 (1973). *See also* Goldberg, supra note 2, at 573–575 & 593.
35. *See, e.g.*, Oklahoma v. Seneca-Cayuga Tribe of Oklahoma, No. 60,074, Sup. Ct. of Okla., July 2, 1985 (state injunction against unlicensed tribal bingo game on reservation); County of Vilas v. Chapman, No. 83–1883, Wisc. Sup. Ct., Feb. 6, 1985, 12 *Ind.L. Rptr.* 5021 (1985) (state traffic citation issued to Indian on reservation; Wildcatt v. Smith, 316 S E 2d 870 (N. Ca. App. 1984) (state judicial jurisdiction over civil suit between Indians); State Sec., Inc. v. Anderson, 84 N.M. 629, 506 P. 2d 786 (1973) (state service of process on reservation Indians for actions arising off reservation).
36. *See e.g.*, Wildcatt v. Smith, 316 S.E. 2d at *35*; State Sec., Inc. v. Anderson, 84 N.M. 629, 506 P. 2d 786, 789, (1973); County of Vilas v. Chapman, No. 83–1883, Wisc. Sup. Ct., Feb. 6, 1985, 12 Ind. L. Rptr. 5021, 5023 (1985).
37. County of Vilas v. Chapman, *supra* note 34, and Wildcatt v. Smith, *supra* note 35.
38. The provision affecting civil jurisdiction refers to "civil causes of action between Indians or to which Indians are parties which arise [in Indian country]," and then states generalize that "those civil laws [of the state] that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within [the state]." 28 U.S.C. s 1360(a). The provision affecting criminal jurisdiction refers to "offenses committed by or against Indians," and then states generally that "criminal laws of [the state] shall have the same force and effect within Indian country as they have elsewhere within [the state]." 28 Y,S,C, s 1162(a).
39. *See, e.g.*, Goldberg, supra note 2 at 593n.260.
40. No. 60,074, July 2, 1985.
41. 104 S. Ct. 2267 (1984).
42. *See, e.g.*, Washington v. Confederated Tribes of the Colville Indian Reservation, 447 U.S. 134 (1980): Moe v. Confederated Salish & Kootenai Tribes, 425 U.S. 463 (1976).
43. Oklahoma v. Seneca-Cayuga Tribes of Oklahoma, slip opinion at 18–22.
44. 104 S. Ct. at 2275.
45. Id. at 2278.
46. *See* note 38, *supra*, & accompanying text.
47. 104 S. Ct. at 2282.
48. 25 U.S.C. s 561 et seq.
49. *See* noes 16 & 17, *supra*.
50. Wilkinson & Biggs, "The Evolution of Termination Policy," 5 *Am. Ind. L. Rev.* 139 (1977).
51. *See e.g.*, the discussion of the Pyramid Lake litigation at note 14, *supra*.
52. S.Ct. at 3298.
53. *See F. Cohen, supra* note 5, at 221–25.

SETTING THE AGENDA FOR AMERICAN INDIAN POLICY DEVELOPMENT, 1968–1980

Emma R. Gross

The decade of the 1970s was a period of intense legislative activity in Indian affairs. The result of this activity was the enactment of a number of landmark bills affecting the entire range of American Indian policy interests: civil rights, education, health, restoration, land claims, and natural resources development. For this study I asked respondents to tell me why they thought so much major legislation—most of it reaffirming the trust responsibility and enhancing Native American tribal and community interests—was enacted by Congress during the seventies. This essay is based on a preliminary analysis of their responses.[1] A more detailed analysis, which is currently underway, will no doubt reveal that additional factors and a variety of other processes are significant for understanding how Indian issues came to be so important in the seventies. For the purposes of this study I will discuss three factors that appear to have been dominant: federal spending related to Great Society and War on Poverty funding; advocacy on behalf of Indian issues by members of Congress and the congressional staff; and President Richard M. Nixon's position on self-determination. My purpose here is to suggest how these factors, in particular, substantially contributed to creating an imposing agenda on Indian issues with results that clearly favored Native American policy interests.

Setting the Stage for Policy Change in Indian Affairs

Not since the 1930s—the period of Franklin Roosevelt's New Deal initiatives, which for American Indian interests culminated in the enactment of the Indian Reorganization Act (IRA) of 1934—had Congress acted so decisively on behalf of Native Americans. At least in the official view, and although

plagued with difficulties related to interpretation and implementation, the IRA did succeed in establishing a principle of self-government for Indian tribes and communities.[3] This principle would again become important in the seventies.

The late forties and early fifties saw a shift away from self-government. Congress adopted termination ideology based on the idea that America's unique, constitutionally mandated responsibility for Indian affairs ought to be ended.[3] Thus, congressional initiatives during the fifties led to the subsequent passage of legislation aimed at dissolving the reservations, and to the establishment of complex relocation programs aimed at encouraging Indian families to leave the reservations and seek economic opportunity in urban areas.

The results of termination policy were disastrous; they have been extensively documented, especially in testimony before congressional committees, as in the case of the Menominee restoration hearings.[4] My respondents, both Indian and non-Indian, regardless of political affiliation, saw the seventies as a period of repudiation of termination policy. Termination had come to be viewed by Indian and non-Indian alike as an ineffective and even unconstitutional approach to Indian policy-making. The seventies would have been an important policy-making era in Indian affairs for this reason alone; however, policies of the seventies went well beyond repudiating termination ideology. They are also significant because of the substantive, concrete gains which were made in improving the well-being of Indian communities and for delegating to Indian tribes and communities unprecedented levels of control over decision-making processes.

The seventies saw the rise of self-determination ideology, backed by specific reforms and proposals as the new basis for making Indian policy decisions. To understand how self-determination ideology—the attitude that American Indian tribes and communities are entitled to maximum self-governance—became the prevailing view for policy-making in the seventies we must go back, briefly, to the height of the civil rights era.

The years 1964 to 1968 saw the enactment of omnibus legislation aimed at protecting and extending civil rights to American racial minorities, as well as the creation of programs aimed at improving the life chances and opportunities of the poor. Civil rights and voting rights legislation passed during those years sought to prohibit the practice of discrimination against blacks and other minorities. Government action had come largely in response to years of sustained racial violence toward black communities. Against this background, the extension of civil rights and poverty program opportunities to American Indians were little-noticed events (the Indian Civil Rights Act was passed in 1968).

In 1968, however, a group of American Indians occupied the abandoned

federal prison at Alcatraz in the name of all Indians. This event was quickly followed by numerous occupations of federal sites, many of which were well publicized and often accompanied by violence. The growth of Indian militancy climaxed in 1972 and 1973 with violent confrontations at the Bureau of Indian Affairs building in Washington, D.C., and with the occupation of Wounded Knee in South Dakota. It also brought Indian problems into national prominence. Forty-four percent of my respondents, whether they themselves viewed its effects as positive or negative, commented that Indian militancy was very significant in drawing attention to the Indian affairs agenda.

Thus, we may begin the legislative story of the seventies with the events which began in 1968. Indian collective actions served to focus public attention on Indians—on what became known, in the words of several respondents, as "the Indian plight." In addition, the role of the media in agenda-setting is to affect public opinion, and in this respect, initially at least, public opinion was clearly sympathetic to the "plight" of the Indians.[5] It was also through the media that the attention of members of Congress, predictably responsive to strong expressions of constituency interest, was focused on Indian problems, and that issues which might otherwise have gone unattended or been left until another time were brought to the forefront for congressional action.[6]

Indians did not just jump on the civil rights bandwagon, however. My research indicates that a separate Indian movement emerged at this time—one that capitalized on gains which had been made much earlier, beginning with President John F. Kennedy's election and continuing through President Lyndon B. Johnson's Great Society and War on Poverty initiatives. Kennedy's presidential appointments and the scholarship funds his administration made available for Indian education programs had a direct impact on the events of the seventies, as did War on Poverty funding for Community Action Programs on Indian reservations. These actions helped create and refine an environment —a political, social, and economic climate—that fueled the momentum for social change in Indian communities and enabled Indians themselves to become influential in setting the agenda on Indian affairs.

If the events of 1968 set the stage, then 1980 marks an appropriate ending to this latest historic period for Indian legislation. Although respondents indicate that the momentum for Indian legislation had slackened before Ronald Reagan's presidency, his election represents a basic philosophical shift in Indian policy. The ideology of each presidential administration is integral to estimating the prominence of items on the agenda.[7] With the election of Reagan, the perspective on Indian policy has thus significantly shifted from self-determination to economic development—or self-sufficiency—ideology.[8] That the times have changed for Indian policy there is little doubt. It remains to be seen, however, what consequences this administration's views will have

for Indian policy development. In the meantime, by looking at how federal spending, congressional advocacy, and presidential policy made a difference in the seventies, we should be able to understand in what ways Reagan's actions will affect Indian policy.

Federal Funding: Poverty Programs and the Creation of an Indian Political Base

Like other public policies, Indian affairs are routinely addressed by congressional committees. The fact is that major changes in domestic policy usually require new legislation, and this is an important agenda-setting function of the committees.[9] Unlike other policy areas, however, Congress's legal authority for Indian affairs is nearly total—virtually any and all problems affecting Indian tribes and communities are attended to by Congress, even when its solutions may involve delegating authority to the states and tribes. This is an especially important institutional exception to congressional procedures, particularly for dealing with special populations. It means that, whatever the outcomes, Indian issues will always be assured of some important degree of congressional attention.[10] No other American minority group can claim similar access or attention to its problems. This is, of course, no small factor in evaluating the possible impact of advocacy on Indian causes.

Furthermore, Congress's constitutional mandate to regulate Indian affairs has led to the establishment of House and Senate committees exclusively devoted to Indian matters. Accordingly, over time the substantive Indian committees have developed expertise in the complex arena of Indian policy, which commands great credibility in Indian policy-making circles. Respondents were quick to point out that Indian affairs are a complex legal, administrative, and political morass about which few members of Congress are knowledgeable. Thus, members tend to rely on staff and other expert opinions in developing policy proposals.

The credibility of Indian policy experts has been further enhanced by the historical continuity and stability of the Indian committees. Even when the House Subcommittee on Indian Affairs was abolished in 1978, Indian policy consultants were retained by the House Committee on Interior and Insular Affairs under Morris Udall's chairmanship. At the same time, the Senate created a permanent Committee on Indian Affairs in 1984, making a long-standing practice official.

Similarly, budget and appropriations committees tend to influence Indian policy-making, although to a less obvious extent. They have no legal authority to develop substantive policies. Nevertheless, decisions about whether to allocate, and how much, suggest the influence of special constraints related to

the economy or to political factors that may act to inhibit or promote the choice of certain alternatives.[11] Indian policy experts are very much involved in these committee processes as well.

Congress has, therefore, created through the establishment of the Indian committees a structural environment that guarantees that Indian matters will be reserved a place on the congressional agenda. The landmark policies of the seventies, for example, had been on the agenda for some time before final solutions were enacted. It remains to be seen why it was during the seventies that these issues finally took off. It took a series of events in what Kingdon refers to as the "political stream" to push Indian problems into prominence on the agenda. Without certain electoral events, the favorable spirit of the time, or the activities of newly organized pro-Indian interest groups, ideas for how Indian problems might be dealt with might have floated in the "primeval soup" of the policy stream until a later time.[12] We turn now to an examination of those political factors which enabled policy entrepreneurs to turn Indian problems into the landmark policies of the seventies.

We have seen how the civil rights era created a national mood that was receptive to doing something about American minority problems; how Indian militancy, helped by the media, focused public and therefore congressional attention on the "plight" of American Indians. While my Indian respondents do not see themselves as a minority group in the usual sense, preferring to see themselves as sovereign or semi-sovereign nations affiliated with the United States, most respondents agree that Indian problems came to prominence initially because of the shift in public attitudes toward civil rights for minorities, and then due to federal poverty programs on Indian reservations and in urban areas. In addition, the Kennedy administration saw a turnover of key personnel that continued under Johnson.[13] Stewart Udall became Secretary of the Interior and was responsible for the Alaska land freeze which, in 1966, gave Alaska Natives the edge in negotiating for a favorable 1971 land claims settlement. Philleo Nash became Commissioner of Indian Affairs and masterminded administrative changes that helped give Indians more policy-making control in a variety of policy areas. In Congress, Robert and Ted Kennedy conducted public hearings on the state of Indian education that were extensively publicized, and which substantially contributed to the development of the Indian Education Act of 1972. The poverty programs which stemmed from proposals developed during the Kennedy years and came to fruition in Lyndon Johnson's administration were also significant for several reasons.

As part of the Economic Opportunity Act of 1964, Community Action Programs were established on Indian reservations. Respondents for this study spontaneously referred to the significance of this in 54 percent of the cases, in many instances, more than once during the interview.[14] Their responses

suggest that CAP programs were influential in several ways. First, they brought money for jobs that were not tied to the Bureau of Indian Affairs, traditionally the primary employer (along with the Indian Health Service) of Indians on reservations. Second, the CAPs brought a new philosophy of social change to the reservations. By law, CAP programs were required to seat representatives of the target communities on policy-making boards. In many instances this meant that Indians themselves could dominate decision-making processes—for example, with reference to how funds might be allocated or how the program would be operated. The idea of Indian domination or control of local boards was later extended to school districts with similarly dramatic consequences for policy change. A third, related outcome of Community Action Programs was due to the influence of the community development or community action approach to social change which was favored by these programs. The community development approach, valuable for extending the right of maximum participation in decision-making to low-income participants, meant that Indian staffs and boards could experiment with the same confrontational strategies which their counterparts in urban areas had been using to protest the treatment of Indians and to draw attention to Indian problems and ideas for change. Finally, CAPs provided viable employment alternatives for highly educated and enterprising Indian program directors who otherwise would have found it very difficult to live on the reservations. Their leadership was to become very important in defining the Indian legislative strategies of the seventies. As one respondent put it, "OEO helped develop an infrastructure of tribal leaders and organizations that had not existed before." This helped to change the attitude toward government and was a precursor to the seventies.

A basic, lasting outcome of these programmatic changes was that for the first time Indians had structural and financial alternatives to BIA dominance in tribal affairs. The psychological impact of this realization reverberated throughout Indian country—the Indians dared to take charge, and everyone noticed. Put in the words of a compilation of interviewee responses: "The poverty programs reversed thinking in this country. They made for community awareness, a sense of self-importance and strength; the attitude that we are not going to take anymore. . . . Our self-image changed—it was all right now to be an Indian." Or, as one respondent pointed out, "They could go to Washington to confer with officials without having to get BIA approval first"—and they did.

Indian organizations, especially the National Tribal Chairmen's Association and the National Congress of American Indians, also benefited from federal funding and from the psychological advantage of taking matters into their own hands. In the words of another respondent, "The conference became the

basis for Indian networking," and provided Indians across the country with forums for airing non-establishment, often controversial views on how Indian affairs ought to be managed. The leadership of Indian tribes, of urban Indian organizations, and of national Indian organizations became noticeably more confident in their own views and in their ability to take on the Washington establishment. Throughout this course of political events, Indians continued to take advantage of their opportunities for advanced education so that today there are several hundred Native American attorneys, whereas in 1970 there were only a handful.[15] Similar gains were made in education and health. While program funds have trickled into insignificant vestiges of their former grandeur, the pool of Indian leadership available to Indian communities has continued to grow. They are an ongoing source of ideas.

Members of Congress and Congressional Staff: Advocates for Indian Self-Determination

Legislative studies have shown that congressional leadership is often crucial in determining which policy ideas will be attended to by Congress.[16] My findings suggest that members of Congress, especially those in leadership positions who also take a personal interest in Indian affairs, are largely responsible for moving Indian issues into prominence on the agenda. Of my respondents, 86.4 percent cite advocacy by members of Congress, particularly the chairmen of Indian committees, as the primary force behind the development of Indian policy in the seventies. One reason for this is that Indian affairs tend to be perceived as bipartisan.[17] Rather than reflecting partisan alignments, the politics of which can by themselves determine whether or not an item moves up or down on the agenda, Indian policy development tends to move on the basis of consensus and effective coalition-building across party lines. For Indian politics the bipartisan approach also means that members of Congress generally will have some say in whether or not to become involved with Indian affairs. Thus, as Fenno shows, Interior Committee members are disproportionately from the West, where land, natural resource, and water development, as well as Indian community interests are heavily represented. Usually, the desire to represent these constituencies or to exercise control over policies affecting development is sufficient incentive for those members who ask to be placed on Indian committees.[18] Morris Udall and Wayne Aspinall for example, are or were long-term Indian committee chairmen who held these goals. Few members, however, outside of those who represent Western constituencies, are generally very interested in or knowledgeable about Indian affairs.

In the seventies, there was a change in this pattern, however. Among others, James Abourezk and Henry Jackson in the Senate and Lloyd Meeds

in the House were powerful advocates for the Indian position. Each made unique and significant contributions to the development of Indian policy-making. One respondent aptly summed up the impact that congressional leadership of this caliber can have on Indian policy:

> At the very bottom of the legislative process is the genuine conscience and concern that Congressmen have for the issues. I say this as a person who is generally cynical about things. They try to act on their knowledge of what is right. I know your political science class will never believe that. But it's true.

Such advocacy is rare and even more rarely occurs all at once. When it does converge in several people, as it did in the seventies, it makes a difference for the Indian agenda.

In the opinion of many respondents, Abourezk came to the Senate fully intending not to run for another term, or at least he appears to have made this decision fairly early in his first term. Respondents feel that this fact enabled him to act as a strong advocate for Indian interests, since he need not be at the same time preoccupied with his reelection chances. Indeed, Abourezk's activities on the Senate Indian Committee reflect virtually unqualified and very aggressive support of the Indian position on nearly every major issue considered during his tenure. He presided at or participated in such well-publicized and extended hearings as those on the Indian Child Welfare Act, the Indian Religious Freedom Act, and the Indian Health Care Improvement Act. His most significant contribution, however, may have been the creation and chairmanship of the American Indian Policy Review Commission (AIPRC), whose purpose was to investigate the status of Indian policy and recommend policy proposals for action. Their report, published in 1977, is the most comprehensive review of Indian policy available to date.

Abourezk's motivation for Indian advocacy is not easy to pinpoint. He had been raised at or near South Dakota Indian reservations, where his parents owned and operated a trading post, so he had known Indians all of his life. In addition, he is of Middle Eastern descent and, according to one respondent, carries a strong sense of the injustices experienced by Arab populations, who are among his Washington firm's clientele. Personal experience plus his own conception of good public policy thus appear to have motivated Abourezk's interest in Indian policy. Other incentives characteristic of congressional motivation—like the desire to achieve committee goals which serve the constituency, for publicity, or to enhance the congressperson's Washington reputation—appear not to have influenced Senator Abourezk's actions to the same extent.[19] On the other hand, Kingdon's observations related to those who pursue the goal of good public policy appear to apply in Abourezk's case: "They are ideologues of the left or the right, or they simply have an interest in the substance of an issue." The result is "the well-recognized tendency for

committees of Congress to be populated by members who believe in the programs within the committee's jurisdiction."[20] This was certainly true in Abourezk's case. He acted as a forceful and politically astute advocate for Indian interests, with the result that Indian views received prominent attention in Congress. The senator's attention to Indian interests, given his position of leadership, played a significant role in moving items up on the Indian policy agenda.

By contrast, Henry Jackson's motivation for giving a notable degree of attention to Indian affairs appears to have come as much from his leadership of the Senate Committee on Interior and Indian Affairs as from his desire to run for the presidency. Respondents who commented on Jackson's influence observed that he was viewed, unfairly, as "anti-Indian" but that his advocacy of Indian interests clearly coincided with his decision to "become presidential." Whether in fact or folklore, it is widely perceived that presidential candidates believe in the importance of being viewed as sympathetic to Indian causes, or at least as not "anti-Indian." During the early seventies, therefore, Jackson worked hard to refurbish his image regarding Indian issues, an image already tarnished by public perceptions of his "hawk" stance on the Vietnam war. In fact, a detailed examination of Jackson's actions on Indian affairs, especially with reference to the development of the Alaska land claims settlement, suggests that he applied his considerable influence in Congress to working out an arrangement that would be satisfactory to Indian groups.

Congressman Lloyd Meeds, in contrast, was identified with Indian fishing rights in Washington State and as an Indian advocate for most of his tenure on the House subcommittee. His position, however, underwent a radical shift beginning with the Boldt decision granting treaty fishing rights to the Indians of Washington state. As a consequence of the fishing rights decision, non-Indian constituents came down hard on Meeds's reelection effort the following year and Meeds nearly lost his seat in Congress in 1976. He decided not to seek reelection in 1978. Meeds was also a member of the AIPRC and, in 1977, wrote a dissenting opinion to the commission's final report. His views emphasized his belief that the commission's conclusions were lopsidedly pro-Indian, and he also repudiated the sovereignty principle for Indian nations, although not the principle of self-government.

Meeds's views on Indian self-determination are complex, but his motivation for choosing to become involved with Indian affairs is, like Abourezk's, related to personal experience and to achieving his conception of good public policy. As a child, Meeds overcame a serious resistance to learning to read when his teacher introduced him to stories about American Indians. His inclination to be favorably disposed to Indian causes apparently dates from that time and influenced his decision to become an Indian advocate.

The impact of congressional staff on policy development depends largely

on their expertise and on their access to members of Congress—always, however, "within the limits that are set by the Senators and Representatives who hire and can fire them."[21] As one respondent put it,

> The staff works so much on their own—they really run the committees and produce the policy ideas in conjunction with the members. [But] because there is real reluctance [among Congressman]—no desire to take on Indian matters—the leadership of the chairman is extremely important.

Moreover, during the seventies, congressional committee staff—Franklin Ducheneaux and Forrest Gerard, in particular—were themselves American Indians with an atypical commitment to Indian causes because of their own heritage. Ducheneaux and Gerard are seen by respondents as singularly influential, particularly with reference to providing access to Congress for the Indian point of view and with reference to the time, energy, and skill they invested in developing viable policy alternatives for Congress to consider. There is probably no policy issue of the seventies that does not bear their mark. Their personal advocacy helped move items up on the agenda, and their ability to develop acceptable policy alternatives clearly influenced the final legislative outcomes.

The Nixon Administration

President Nixon's White House, and especially the president himself, are considered by fully 71.2 percent of my respondents to have been the key movers of the Indian policy agenda in the seventies. A complete discussion of their role or of their motivation is not possible in a study of this length, but I can suggest some of the ways in which administration policy is crucial for understanding how items move into higher priority on the legislative agenda.

The president himself is, as Kingdon suggests, a "prime initiator" and "source of support" for policy ideas.[22] This is apparently as true for Indian policy as for other public policy. The president is able to be influential for various reasons: he can fill key positions with people who are responsive to his conception of the agenda for their agencies; the executive branch is a unitary decision-making organization, unlike the Congress, which "operates with 535 members and 535 agendas"; the President both commands public attention and he may be personally involved or committed. We shall see, briefly, how this last factor particularly helps explain Nixon's role in Indian affairs. The president's White House staff was also enormously important—they were mentioned in 27 percent of the interviews—but more with reference to developing alternatives and engaging in the detailed negotiations necessary to carrying out the president's policy than in setting the agenda itself.[23] As one respondent summed it up, "What makes the difference in Indian policy is a

sympathetic administration. The Nixon administration was sympathetic." The president's Message on Self-Determination and the legislation restoring Blue Lake to the Taos Pueblo serve to illustrate how sympathetic the administration really was.

The president's Message on Self-Determination to the Congress, in 1970, was an explicit, unequivocal repudiation of termination policy, and he asked Congress to follow suit. The strength and clarity of Nixon's position on Indian self-determination ideology and the concrete proposals he offered in support of it had a profound effect on the Indian agenda for the entire decade of the seventies.

Nixon begins by describing termination policy, emphasizing that it is wrong for several reasons—chiefly, that the trusteeship responsibility of the federal government should not and cannot be unilaterally abrogated; that the result of dismantling Indian tribes has been clearly harmful—and pointing out the negative effect which fear of termination has had on tribal progress, namely, by "blighting" the Indians' willingness to pursue political, economic, and social autonomy. He concludes by stating,

> Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate, and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress.[24]

No stronger statement repudiating termination policy had been made before or has been made since his presidency.

Nixon did not get his wish in this particular instance but, except for the establishment of a new Indian Trust Counsel Authority, all of the proposals outlined in this speech became law during the seventies. "Contracting out" legislation enabling Indian communities to control and operate their own programs if they chose to, became the Indian Self-Determination Act of 1975; similar proposals were enacted for Indian education programs. Economic initiatives—loans for economic development projects or permitting the tribes to enter into land leases on their own—were successful. The priority for improving Indian health became the Indian Health Care Improvement Act of 1975. The priority for helping urban Indians (historically left out of Indian policy) was translated into funding for urban Indian centers and programs. And the priority for enabling Indians to manage their own affairs led to the creation of an Assistant Secretary for Indian Affairs who is an Indian.

Most of the President's proposals took several years to enact, and the reasons for this are a fascinating insight into Indian policy-making dynamics. One proposal that was passed almost immediately however, was the restoration to

the Taos Pueblo of 48,000 acres at and around Blue Lake, New Mexico. It was an issue to which the president was emotionally committed, as respondent accounts indicate. Furthermore, its successful resolution had a great symbolic and political impact on Nixon's Indian relations. The president's action on Blue Lake established his administration's credibility with the Indian community and led to positive public perceptions of his administration's stance on minority issues, which put quite a lot of pressure on Congress to support the president's policies. Significantly, subsequent Nixon initiatives helped to develop and reinforce these perceptions of Nixon as the greatest friend of the Indian—at least since John Collier, Franklin Roosevelt's Indian Commissioner.

Since the fourteenth century, the Taos Pueblo had used the lands at and around Blue Lake for sacred religious and tribal purposes. In 1906, however, the United States had appropriated these same lands for a national forest. At the time Richard Nixon stepped in, the Pueblo had been trying for sixty-four years to reclaim the lands. Respondents who were involved with Nixon's decision point out that Nixon did so at great risk but with strong staff support. Senator Clinton Anderson of New Mexico, for example, was vehemently opposed to the president's initiative and threatened to withdraw his support for other Nixon initiatives, like the MX missile, if the government pursued his objective. Nixon persisted, however, making the decision to go ahead by himself. While it is clear that the president was thus personally committed to the proposal, it is also true, in the words of another respondent, that "Blue Lake . . . was a highly symbolic issue, so we figured if we could move on that it would create the sense that we were okay. Besides it being the right thing to do, . . . we felt it would establish the Administration's concern for minority groups."

Despite this political motivation, however, it is difficult to see how any political gains involved with Blue Lake offset the risks involved without at the same time understanding something about Nixon's personal commitment to Indian causes. Respondents frequently responded to my question, "Why Nixon?" by saying they really did not know why he was so supportive of Indian policy. Several others suggested that his conservative political orientation was highly compatible with Indian values of local control, self-determination, autonomy, and independence. They all agree, however, as one of them put it, that "Nixon always had a good feel for Indians. He always believed they had had the short end of the stick and that they had not mastered the art of organization and protest like other minority groups [and therefore] they could use [the] government's help."

In fact, Nixon's personal advocacy may have had its roots in his youth. At Whittier College he had played football for Wallace "Chief" Newman. In Nixon's own words, "I think that I admired him more and learned more from

him than from any man I have ever known aside from my father." Nixon continues:

> Newman was an American Indian, and tremendously proud of his heritage. Tall and ramrod-straight, with sharp features and copper skin, from his youngest days he was nicknamed Chief. He inspired in us the idea that if we worked hard enough and played hard enough, we could beat anybody. He had no tolerance for the view that how you play the game counts more than whether you win or lose. He believed in always playing cleanly, but he also believed that there is a great difference between winning and losing. He used to say, "Show me a good loser, and I'll show you a loser." He also said, "When you lose, get mad—but get mad at yourself, not at your opponent."
>
> There is no way I can adequately describe Chief Newman's influence on me. He drilled into me a competitive spirit and the determination to come back after you have been knocked down or after you lose. He also gave me an acute understanding that what really matters is not a man's background, his color, his race, or his religion, but only his character.[39]

From this narrative it is not difficult to believe, as some respondents have suggested, that the president had vowed were he ever to be in a position to do so that he would work to improve chances for American Indians.

Postscripts

Much more could be said about the influence of the times, of members of Congress, and of presidents on American Indian policy development. Perhaps enough has been said here to show why the seventies were indeed a uniquely important time for Indian affairs. Agenda-setting and policy development are processes that encompass many other factors as well, however, and these will be explored in other works.

Appendix

The interviews for this study were conducted either in person (two-thirds) or by telephone (one-third) with "policy elites" (i.e., those persons closely associated with Indian policy affairs who were in Washington, D.C. between 1968 and 1980). The initial sample was derived from committee hearing lists in the following six policy areas:

1. The Alaska Native Land Claims Settlement Act (ANLCSA) (1971)
2. The Indian Health Care Improvement Act (IHCIA) (1975)
3. The Indian Self-Determination and Education Act (ISD&EA) (1975)
4. The Menominee Restoration Act (MRA) (1978)

5. The Indian Religious Freedom Act (IRFA) (1978)
6. The Indian Child Welfare Act (ICWA) (1978)

Other policy areas were discussed during the interviews, depending on the respondent's interests and experience.

The final list of 66 respondents also reflects the effects of "snowballing." That is, respondents frequently put me in touch with others they felt had valuable insight and/or knowledge about Indian policy-making during the seventies. Significantly, the same names appeared repeatedly, providing me with some degree of confidence that I was talking to those most "in the know." I was able to communicate with most of the more prominently mentioned as well as with a number of others less frequently mentioned. Only five of those contacted chose not to be interviewed.

Interviews averaged from one to one and one-half hours in length; many were longer. The protocol for the interviews was open-ended. Respondents were asked: "In your opinion, what accounted for so much landmark legislaton being enacted in the seventies?" I provided interviewees with examples of what I meant, if necessary, but for the most part I interrupted only to probe for a fuller discussion of the substantive points which they themselves raised. My value in taking this approach was partly in acknowledgement of the fact that policy elites are better educated than the norm and in view of the fact that they tend to be important persons in policy-making circles.[26] Thus, policy elites tend to prefer stating their opinions without interference and are usually very articulate in expressing their views. I also chose this approach in view of my own bias for having them explain what happened in their own words. It has been easy, particularly in studying minority political views, to assume that these fit into preexisting conceptions of how political processes work. I had some notions of what to expect but I had no desire to let my own ideas influence any respondent's spontaneous answers to my questions.

NOTES

1. A methodological note: Agenda-setting policy studies like this one are concerned with explaining what makes a policy idea's time come, i.e., what makes people in and around government attend, at any given time, to some subjects and not others. The respondents for this study were chosen from "policy elites"—those individual's inside and outside of the government directly involved with Indian policy-making processes. For a detailed description of agenda-setting see John W. Kingdon, *Agendas, Alternatives, and Public Policy* (Boston: Little, Brown and

Company, 1984), 1–4, 16–19. For more information on this study's methodology see the appendix.

2. The IRA has been analyzed at length in the Indian policy literature, with some consensus about its strengths and limitations. For a recent discussion, see Vine DeLoria, Jr. and Clifford Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984).
3. House Concurrent Resolution 108 (83rd Congress, 1953) is the official statement sanctioning a shift to termination strategies—ending the reservation status of Indian reservations, for example. Compared to the previous era of self-government ideology or to the subsequent policy of self-determination, it can be viewed as an example of the pro-Indian, anti-Indian policy pendulum swing many analysts have come to see as typical of Indian policy-making. Or, the termination era can be seen as a "last gasp" attempt to end the trust relationship. My findings suggest that the latter may be the correct view. The changes which occurred during the seventies may have made it impossible for Congress to ever, unilaterally, end the trust relationship.
4. See U.S. Congress, House, Subcommittee on Indian Affairs, *Menominee Restoration Act, Hearings on H.R. 7421* (93rd Cong., 1st sess., May 25–26, 1973), 31–36, 156–161.
5. Kingdon, *Agendas, Alternatives, and Public Policy*, 64.
6. The influence of congressional constituencies and public opinion on the voting behavior and public positions of members of Congress has been shown to be decisive for a variety of issues. See, for example, Richard F. Fenno, Jr., *Home Style: House Members in Their Districts* (Boston: Little, Brown and Company, 1978) and *Congressmen in Committees* (Boston: Little, Brown and Company, 1973); Morris P. Fiorina, *Representatives, Roll Calls and Constituencies* (Lexington, Massachusetts: Lexington Books, 1974); and John W. Kingdon, *Congressmen's Voting Decisions* (New York: Harper & Row, 1973).
7. The executive branch is a prime initiator of public policy, and while the president himself is unable to control the final outcome, he is able to set priorities for the public agenda. See Kingdon, *Agendas, Alternatives, and Public Policy*, 26–28.
8. See President Reagan's Executive Order creating a Presidential Commission on Indian Reservation Economics and the accompanying "Indian Policy Statement" released by the Office of the Press Secretary, January 14, 1983. Compare this to President Nixon's Message to the Congress on Indian Self-Determination, July 8, 1970.
9. Kingdon, *Agendas, Alternatives, and Public Policy*, 39.
10. Thus, the "problem steam" in Kingdon's agenda-setting model is regularly monitored in the Indian policy arena by an impressive community of specialists, bureaucrats, and staffers who may have no other primary responsibility than to legislate or implement Indian affairs. See Kingdon, *Agendas, Alternatives, and Public Policy*, 93.
11. Kingdon, *Agendas, Alternatives, and Public Policy*, 112–114.
12. For a description of how ideas "float" until selected for action see Kingdon, *Agendas, Alternatives, and Public Policy*, 122–123.
13. Turnover in key personnel may contribute to an acceleration of consensus-building processes through bargaining and compromise. Where defending turf is not a central concern or priority of incoming administrators, change may occur very rapidly. My findings indicate that there is reason to believe that this may have been the

case at the upper echelons of the Bureau of Indian Affairs between 1961 and throughout the early seventies. See Kingdon, *Agendas, Alternatives, and Public Policy*, 161–170.

14. For this paper, respondent mentions of the Great Frontier, Great Society, War on Poverty, Office of Economic Opportunity, Economic Opportunity Act, and Community Action Programs were tabulated under the heading of "poverty programs" since the terms are used interchangeably to refer to the same idea.
15. Accurate estimates are not available. The American Indian Law Center in Albuquerque, New Mexico estimates that about six hundred Native Americans have graduated from law school. Three to four hundred have passed the bar and are practicing attorneys. What is significant is the remarkable increase which occurred during the 1970s.
16. See Auge R. Clausen, *How Congressmen Decide: A Policy Focus* (New York: St. Martin's Press, 1973); Donald R. Matthews, *Yeas and Nays: Normal Decision Making in the U.S. House of Representatives* (New York: John Wiley and Sons, 1975); and *U.S. Senators and Their World* (Chapel Hill, North Carolina: University of North Carolina Press, 1960); John F. Manley, *The Politics of Finance: The House Committee on Ways and Means* (Boston, Massachusetts: Little, Brown and Company, 1970); David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974); also, see note 6. There is extensive literature on legislative behavior, voting behavior, and on Congressmen's activities in committees that discusses leadership patterns and influence.
17. Fenno, *Home Style*, 92–94.
18. Ibid., 3–6, 57–64.
19. For a fuller discussion of member incentives, see Kingdon, *Agendas, Alternatives, and Public Policy*, 41–42; see also, Fenno, *Home Style*.
20. Kingdon, *Agendas, Alternatives, and Public Policy*, 42.
21. Ibid., 44.
22. The following discussion is based in part on Kingdon's findings that administration initiatives are central to agenda-setting dynamics; see Kingdon, *Agendas, Alternatives, and Public Policy*, 26–29.
23. Kingdon points out that while the president may be able to dominate and even determine the policy agenda, he is "unable to dominate the alternatives that are seriously considered and is unable to determine the final outcome." See Kingdon, *Agendas, Alternatives, and Public Policy*, 26, 29. My own analysis indicates that this was true for Nixon's initiatives on specific Indian policies. Nixon's actions, however, set the tone and the stage for Indian policy development and are, therefore, singularly important for understanding why so much landmark legislation was enacted, regardless of specific policy outcomes.
24. President Nixon's Message to the Congress, 8 July 1970, pp. 1–3.
25. Richard Nixon, *The Memoirs of Richard Nixon* (New York: Grosset and Dunlap, 1978), 19–20.
26. For a more detailed discussion of this methodology, see Lewis A. Dexter, *Elite and Specialized Interviewing* (Evanston, Illinois: Northwestern University Press, 1970); Hugh Heclo, *A Government of Strangers: Executive Politics in Washington* (Washington, D.C.: The Brookings Institute, 1977); and Joel D. Aberbach, James D. Chesney, and Bert A. Rockman, "Exploring Elite Political Attitudes: Some Methodological Lessons," *Political Methodology*, 1975, pp. 1–27.

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OPPOSITION TO INDIAN DIVERSITY IN THE TWENTIETH CENTURY: FOCUS ON RELIGION

Carol Hampton

From the Spanish conquest in 1521 to the present, government officials, Christian clergy and laity, and local vigilantes have challenged American Indian religions. Opposition has often taken the form of enforced assimilation —a constrained acceptance of the dominant society's culture and beliefs with a concomitant rejection or denial of native traditions and faith. European missionaries, arriving with or shortly after explorers and conquistadors, brought with them to the New World a primary mission—the salvation of souls from the certainty of eternal damnation by replacing native religions with their own religion, Christianity.

Conversion attempts began with the arrival of Fray Pedro de Cordova in Hispaniola in 1510. He and other Franciscans founded missions but are reputed to have neglected to learn any Indian languages, which likely hampered their missionary efforts. Although one cacique, or leader, of Texcoco suffered death by burning in 1536, Spanish missionaries recorded that the native peoples of New Spain received them cordially. The Christian religion, in the form of Roman Catholicism, spread rapidly—ten bishoprics had been installed in New Spain by the end of the century.[1] The Spanish hierarchy began to address the customs of the natives of Northern New Spain in 1620 with an edict against the use of peyote, a psychoactive cactus that Fray Bernardino de Sahagún had described in 1585.[2] In 1629, Fray Esteban de Perea described his arrival in Acoma: "Their apprehensions assured a good reception by the Indians of the crag, who spontaneously proffered admission."[3] Journeying farther west, Perea's expedition reached Zuni, "and its natives, having tendered their good will and their arms, received them with festive applause."[4] Others noted similar receptions.

Initial friendliness quickly turned to enmity, however, as Spanish missionaries gradually forced their Christian religion on native peoples throughout New Spain. In the homeland of the Pueblo people, the Franciscan custodian of New Mexico prohibited all kachina dances (a traditional Pueblo ceremony), and ordered that all idolatrous images be destroyed. Although Spanish priests regarded Pueblo religion as witchcraft, they apparently responded not with an appropriate religious ritual—exorcism—but with physical attacks. Spanish clerics and soldiers destroyed one thousand six hundred kachina masks as well as prayer sticks, feathers, and images. In 1695, soldiers once again confiscated religious artifacts, burned kivas, and jailed forty-seven Pueblo spiritual leaders, three of whom were hanged. Pueblo people, believing that their only defense against drought and disease lay in the powers of their spiritual leaders, journeyed to Santa Fe to protest their incarceration. The governor of New Mexico released the prisoners to their people and the incident ended, although no one forgot it.[5] On August 21, 1680, a union of Pueblo tribes drove out their oppressors. When asked their motive for burning Christian churches and killing Roman Catholic priests, native prisoners said that they had heard other tribesmen say, "Now the God of the Spaniards, who was their Father, is dead, and Santa Maria, who was their Mother, and the saints, who were pieces of rotten wood," and that only their own god lived.[6] Pueblo people had driven out the Spanish when faced with the destruction of their customs and beliefs—their way of life. The Spanish returned, but never again did they exert the same control over the ways and traditions of the people.

Elsewhere in New Spain, native people faced the same attitude toward their customs and beliefs as that with which Pueblo people were confronted. In 1691, Fray Francisco Casanas de Jesús María described Tejas funeral rites thus: "Once when I attended one of these ceremonies—the dead person having been a Christian—I wanted to see if they would give me a chance to sing a response."[7] Then Fray Casanas showed his disdain for native religion, writing in his journal: "Three times I put my hand over the preacher's mouth and told him to hush for a little while, that I wanted to speak to God, that all he was saying was of no use, and that what I was going to say to God alone would be useful to the dead man."[8] He also noted that the people, respecting the beliefs of others, "did not prevent my doing what I wanted to do."[9] Fray Casanas was well aware of the religious beliefs of the Tejas people, stating: "They are not ignorant of God. Indeed, all of them know there is only one God whom they call in their language Ayo-Caddi-Aymay."[10] Spanish missionaries arriving in the early eighteenth century continued to disregard Tejas religion. Fray Isidro Felis de Espinosa and Fray Francisco Hidalgo reported on the "Idolatrous and Superstitious Ceremonies of the Tejas or Asinai People," stating, "The whole nation is idolatrous—as is at present recognized."[11]

At about the same time that Spanish missionaries were derogating native religions in New Spain, French missionaries began their work among native peoples along the St. Lawrence and Mississippi rivers. French Jesuits approached their mission with a different perspective from that of the Spanish. Many of them learned the language of the people they hoped to convert to Christianity. The Jesuit missionaries also chose to live among the natives, sharing both the advantages and discomforts of Iroquoian and Algonquian life. Most importantly, the French Jesuits saw and accepted native spiritual practices and beliefs as being similar in many ways to those of the Roman Catholic Church. More than recognizing similarities or compatibilities, these Jesuits utilized certain aspects of native beliefs to explain Christian doctrine, and even deemphasized those Christian doctrines which were in clear opposition to native beliefs.[12]

The English colonists who settled along the Atlantic coast (Jamestown in 1607, Plymouth in 1620, and Massachusetts Bay Colony in 1630) marked the arrival of a different kind of treatment of natives. These Englishmen, who planned to stay in the New World, quickly set about dispossessing American Indians of their lands while arguing that only European society and Christian beliefs were acceptable to God. They perceived native spirituality as the work of the Devil, something to be destroyed at all costs. By their own count, English missionaries achieved fewer conversions to Christianity than either the French or the Spanish.[13]

Spanish and English missionaries rarely if ever accepted or recognized native concepts of religion. Although the religion which the new arrivals brought with them bore some similarities, the missionaries emphasized only the differences. As Charles Eastman wrote two centuries later, "The religion of the Indian is the last thing about him that the man of another race will ever understand."[14] Realizing the limitations of people coming from another and different culture, Eastman stated:

> The first missionaries, good men imbued with the narrowness of their age, branded us as pagans and devil-worshippers, and demanded of us that we abjure our false gods before bowing the knee at their sacred altar. They even told us that we were eternally lost, unless we adopted a tangible symbol and professed a particular form of their hydra-headed faith.[15]

By the end of the nineteenth century, little had changed. Governments and private organizations and citizens were still determined to improve the quality of American Indian life by making native beliefs and customs conform to Euro-American standards. During the late nineteenth century, organizations such as the Boston Indian Citizenship Committee, the Women's National Indian Association, the Indian Rights Association, the Lake Mohonk Conference

of Friends of the Indian, and the Federal Board of Indian Commissioners loudly protested the disease and squalor of the reservations to which the U.S. government assigned Indians. Their solution to the problems which they addressed embodied three concepts: allotment of tribal land to each individual tribal member; United States citizenship with constitutional protection and responsibility; and education for the purpose of assimilaton into the dominant Euro-American culture. Non-Indians hoped to eliminate all problems they perceived American Indians as having by removing tribal identity. As the executive secretary of the Indian Rights Association wrote:

> When this work shall have been completed the Indian will cease to exist as a man, apart from other men, a stumbling block in the pathway of civilization; his empty pride of separate nationality will have been destroyed, and in its place the greater blessings which he or his friends could desire will be his,—an honorable absorption into the common life of the people of the United States.[16]

Captain Richard Henry Pratt, a reformer in the field of education, stated, "all the Indian there is in the race should be dead. Kill the Indian in him, and save the man."[17] Secretary of the Interior Henry M. Teller wrote, "I desire to call your attention to what I regard as a great hindrance to the civilization of the Indians, viz, the continuance of the old heathenish dances, such as the sun-dance, scalp-dance, etc."[18]

During the last two decades of the nineteenth century, organizations such as the Indian Rights Association and the Lake Mohonk Conferences on the Indian and Other Dependent Peoples were convinced that their cause was just and their actions valid. Doubt would come only to some, and then, much later. The reformers, perceiving American Indian circumstances and values only from their own ethnocentric viewpoint, saw disease, poverty, squalor, filth, myth, magic, paganism, and heathen rituals. They failed to discern beauty, holiness, healing, generosity, and treasured traditions. They noticed skin lacerations rather than a sacred offering by an individual to his deity; they misunderstood memorializing the past as savage calls to military action; they saw a community dancing through the night and thought it frivolous rather than religious. They tried to do what they thought was right by imposing their own values, traditions, ceremonies, and beliefs on all that had made American Indian life worth living. The reformers, well intentioned though they might have been, took tribal heritage and pride and left their charges with a sense of loss—not only the loss of values and traditions but also the loss of occupation, of social roles, of tribal identity.

American Indians faced a crisis of survival with little choice—they could cease to exist or they could retreat into their own spirituality, the one component remaining of a former life. Many chose nonexistence—through alcohol or denial of their tribal identity. Others, however, revived traditional

ceremonies that had fallen into disuse during the years of military conflict and removal. Prophets arose among the people, bringing a vision of hope. Older religious dances, rituals, and ceremonies, practiced secretly to ensure their survival, attracted new converts, grew, and modified their forms in adapting to new situations; many of them endure today.

Peyote usage, for example, gradually changed from ancient ceremonies wherein the cactus served as one of several plants used, to a central position in a religon expanding from a core among southern Plains tribes. Focusing on a naturally occurring plant, the ancient but altered beliefs and rituals served two important and continuing purposes for Indians living on the Plains during the late nineteenth and twentieth centuries: The peyote religion would serve as a bridge between traditional faiths and the realities of contemporary life—a way of life that had become limited by outsiders—and it would serve as a base upon which to build a pan-Indian movement uniting peyotists of many tribes. Each tribe accepted the peyote religion in its own way by making doctrine and ritual consistent with its traditional ceremonies and beliefs. Reticence on the part of some peyotists, combined with a non-Indian perception of the peyote religion as a deterrent to assimilation, has led to harassment, opposition, and outright prohibition of the peyote religion.

All Native American religions have been subject to degradation and prohibitions but, until recently, public and private opposition to the peyote religion have frequently occupied the forefront of a more general religious antagonism. In 1886, a Bureau of Indian Affairs agent recommended the first prohibition of peyote by the U.S. government. Congress failed to pass the requested legislation, however. Undeterred by the lack of congressional action, Indian agents confiscated peyote whenever they found it in the possession of Indians, claiming without scientific evidence that the substance intoxicates.

Peyotists defended their religion effectively in Congress, forcing their opponents to turn their efforts toward securing prohibitory legislation from state and territorial legislatures. The territory of Oklahoma adopted the first such law after the Spanish edict of 1620 prohibited peyote by name.[19] Oklahoma territorial authorities had ignored the peyote religion until 1907, the year Oklahoma became a state. By that time, however, American Indians no longer fought their battles alone. They enlisted the aid of lawyers and anthropologists, who prepared briefs and testimony resulting in the repeal of anti-peyote legislation in 1908.[20] Peyote opponents would repeat again and again their attempts to pass legislation. In the absence of such legislation, Bureau of Indian Affairs officials, local sheriffs, and church leaders would interpret existing laws in such a way as to impose a ban against native religions. As peyotists had come to learn, opponents of native religions would use any means at their disposal to hinder religious practices that differed from their own.

While peyotists wondered at the ways of a dominant society that would

deny a person's beliefs, they were learning ways to invalidate the actions of their opponents. In the past, Indians had circumvented suppression of their Sun Dances by changing the name, altering some of the rituals, and removing the ceremonies from public view. Thus, once again, Indians would make adjustments to their situation, this time by structuring the peyote religion along the framework of Euro-American organized religions.

Peyotists organized into religious associations with names calculated to please Euro-Americans—The First-Born Church of Christ was the first, followed in 1918 by the Native American Church of Oklahoma. The peyotists also chartered their religion in seventeen states, but they soon realized that, with or without state charters, their church would have to fight its opponents in the state courts. Only state laws contain prohibitions against peyote, while the United States Constitution guarantees freedom for all Americans to exercise their religious freedom, stating: "Congress shall make no law respecting an establishment of religions or prohibiting the free exercise thereof." American Indians have learned that they are free to believe but not free to practice their religion, a dilemma that has confronted other religious groups whose beliefs require actions divergent from those of the dominant society.[21] In 1940, peyotists and other practitioners of native religions learned that a person's freedom to believe is absolute while one's freedom to practice or exercise that belief is limited, constrained by considerations of state interest. Nevertheless, a new day was bringing changes in the protection of religious freedom.

In 1963, the United States Supreme Court ruled on a religious freedom case —*Sherbert v. Verner*—in which the Court found the defendant's religion to be burdened by a state regulation. It was a question of balancing the relative importance of religious practice on the one hand and the interests of the state on the other. The Court required the state to prove a vital and paramount interest in order to infringe upon freedom to practice a religion. With the *Sherbert v. Verner* decision, peyotists had a legal precedent to support the exercise of their religion.[22]

Native American Church members have fought a lengthy battle through state and federal courts to gain legal recognition and acceptance for their religion. Court decisions in California, Arizona, and Oklahoma have defined the legal nature of the peyote religion within the framework of five issues—sincerity of belief, the nature of that belief, traditional status of that belief, religious organization, and organizational membership. Peyotists won *People v. Woody* in California in 1963, *State v. Whittingham* in Arizona in 1974, and *Whitehorn v. State* in Oklahoma in 1977.[23] When they have won cases, peyotists have proved that the particular religious practices in question were central to the religion. American Indians have lost cases in which they failed

to prove centrality of practice. Another factor has apparently determined the success or failure of religious freedom cases for American Indians—similarities or parallels which a court can find between Christian practices and those of American Indian religions.

Continuing opposition—public and private—to traditional American Indian religions as well as to the Native American Church led many American Indians, ethnologists, historians, anthropologists, and senators and congressmen to concede the failure of the first amendment to the U.S. Constitution to protect the religious freedom of American Indians. Acknowledging frustration but not total defeat in their attempts to protect American Indian freedom to practice their religions as well as to believe, American Indian spiritual leaders and non-Indian legal advisers met with federal officials to determine a course of action. Traditional Indian leaders expressed concern that access to sacred sites, including cemeteries, had been hindered or barred, sacred objects had been confiscated, and wildlife conservation laws had prevented or inhibited certain spiritual rituals. Consequently, the Select Committee on Indian Affairs, having conferred with Indian leaders to determine the advisability of legislation, introduced Senate Joint Resolution 102 on December 15, 1977. The resolution was quickly passed in both the Senate and the House, and President Jimmy Carter signed the American Indian Religious Freedom Act on August 11, 1978. The rhetoric was expressive. Senator Dewey Bartlett of Oklahoma said: "We do not need to add continued violation of American Indian religious freedom to the long list of rights consistently abridged by the federal government." Congressman Morris Udall of Arizona stated: "For many tribes, the land is filled with physical sites of religious and sacred significance to them. Can we not understand that?"[33] It was necessary, however, for Udall to specify guarantees and limits to the resolution:

> It is the intent of this bill to insure that the basic right of the Indian people to exercise their traditional religious practices is not infringed without a clear decision on the part of Congress or the administration that such religious practices must yield to some higher considerations.[34]

Thus, Udall soothed congressional fears that American Indian religious beliefs and practices would have absolute freedom.

The American Indian Religious Freedom Act implies four concepts: It affirms the validity of American Indian religions and the right to protection of free exercise as well as the freedom of belief. The act also recognizes that federal and state officials have abused American Indian freedom of religion. Finally, it instructs federal agencies to evaluate their programs and policies and to correct any regulations and common practices to bring them into compliance with the act. The American Indian Religious Freedom Act Task Force

recommended changes in existing federal policy and the implementation of the philosophy and intent of the act. Such policy alterations and regulations have been slow in coming. Officials of the Native American Church of North America have repeatedly made recommedations for change which have been ignored by the administration and Congress. In 1981, the organization passed a resolution stating,

> The administration's failure to carry through with its recommended and necessary administrative changes and legislative proposals has rendered the American Indian Religious Freedom Act a nullity, which has left American Indian religious practitioners subject to the same infringements, and abuses at the hands of federal agencies.[25]

While some federal agencies have sought to comply with the intent of the American Indian Religious Freedom Act, others have ignored or circumvented it. Representatives of the Fish and Wildlife Service stated that they had "no intention of interfering with legitimate American Indian religious or cultural activities," but they did exactly that when Department of Interior officials broke into Indian homes in the summer of 1983 to confiscate eagle and migratory bird feathers.[26] Although Native American Church members have recently won most of their cases involving possession of peyote, it appears that the peyote religion as well as traditional Indian religions will be attacked through their use of ceremonial feathers.

While all Indian religions endured confiscations and litigation linked to feather ownership in the 1980s, traditional Indian religions faced perhaps more important problems—barriers to sacred land sites or, in some cases, a lack of barriers to non-Indians during worship. In 1981, the Supreme Court declined to hear a case involving Navajo access to a sacred site—Rainbow Bridge—and non-Indian desecration of that site. The Tenth Circuit Court of Appeals ruled that public interest outweighed Navajo religious interests. Navajos had requested that tourists be excluded during religious ceremonies—a request the court held would violate the establishment clause of the first amendment.[27]

This case—*Badoni v. Broadbent*—followed a Cherokee case heard by the Supreme Court the preceding year based on similar arguments, in which three Cherokee individuals and two Cherokee organizations tried to restrain the Tennessee Valley Authority from flooding a valley that contained Cherokee burial grounds and other sacred sites.[28] American Indian religions and the American Indian Religous Freedom Act lost both these cases. In the 1980s, American Indians have filed suits attempting to restrain non-Indians from building ski resorts with ski lifts soaring over Hopi and Navajo religious sites; hiking trails with platforms cantilevered over Cheyenne and Lakota spiritual

renewal rituals; and recreational reservoirs inundating cemeteries of northwestern tribes. Of these cases, the courts have decided only one in favor of American Indian religious freedom.[39]

U.S. law and Euro-American society have been slow to learn respect for Indian customs, traditions, and religions. Public and private members of Euro-American society have emphasized the difference and strangeness of Native American beliefs, but rarely have they noticed the similarities to their own religions. This lack of respect and rejection of diversity have made it difficult for non-Indians to credit American Indian religions with validity. It is hardly likely that the American Indian Religious Freedom Act alone will create an atmosphere of tolerance and respect for different religions. Attitudes that require conformity to a Euro-American ideal allow U.S. law little opportunity to protect the religious freedom of any minority or divergent group. American Indians seek a context in which the law can function to protect American Indian traditions, societies, customs, and religions; a context in which all Americans perceive the value of diversity within unity. Only in a setting that promotes cultural plurality and a variety of customs, thought, and experiences will the United States be able to provide religious freedom for all its people—be they Christians, Jews, Muslims, or Peyotists—as well as for all traditional native religions.

NOTES

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THE TRIBAL ETHIC, THE PROTESTANT ETHIC, AND AMERICAN INDIAN ECONOMIC DEVELOPMENT

Delores J. Huff

This essay presents a number of arguments surrounding the definition, purpose, and policy of economic development on American Indian reservations. Tribes and the federal government generally agree that reservation development is desirable. We know that a sound economic infrastructure reduces dependency on the federal government. Historically, nations and/or cultures do not survive under the yoke of dependency. For several hundred years now, federal policy has been to promote development on Indian reservations.[1] If the goal of development is self-sufficiency, we need only to look at the data on American Indian income, housing, health, and education to agree that federal policy has been an abysmal failure. But it is not enough to know that federal policy and Indian development have failed. We must at the same time examine the reasons why two hundred years of effort have achieved such parsimonious success. We need to analyze what the values of tribal and nontribal societies are and how they differ, as well as how they translate operationally into goals of development.

The Protestant Ethic

The term "Protestant ethic" is derived from a book written by Max Weber. *The Protestant Ethic and the Spirit of Capitalism*.[2] Weber, a sociologist, combined sociology with economic and religious history and forged this into a comprehensive perspective of American culture. He used the term Protestant ethic as a metaphor, a shorthand symbol to describe the values, norms, roles, and institutions of American society.

An important function of religion, Weber argued, is to provide an orientation towards certain activities in society. In particular, he noted the simultaneous emergence of capitalism and Protestantism, both of which served to change the basic structure of the Western world. He argued that it was the Protestant ethic that encouraged industry, hard work, thrift, and the investment of capital in businesses other than one's own. It was the nature of Calvinists (who came here in the seventeenth century) to live ascetic and simple lives because to surround oneself with material goods was considered evil. At the same time, one's occupation was one's "calling," and to succeed in it was a sign from God that one was chosen to enter the Kingdom of Heaven. (Not everyone went to Heaven, only those who were given a sign.) The single focus on "success" coupled with asceticism, hard work, and thrift ultimately produced "surplus" or capital, which Weber recognized as the foundation for the creation and expansion of industry. Prior to this period, most businesses were owned and operated by the same individuals; but with the development of the Protestant ethic, businesses were run impersonally, through the organization of bureaucracies.

Weber described an "ideal type" of bureaucracy. An ideal type is a metaphor to describe collective aspirations, a world view of a culture or society has with its values in their purest form. An ideal type is the way things are supposed to be but seldom are, yet most people, most of the time, recognize and internalize it as a valued societal goal. Weber thought the ideal type of bureaucracy should contain the following characteristics:

1. An advanced division of labor with minute specialization of occupation.
2. A hierarchy of authority where status and roles are clearly arranged in degrees of subordination-superordination.
3. A well-developed, explicit set of rules and regulations which patterns the behavior of the members.
4. An impersonality in the performance of the organization where the rules and regulations are supposed to be administered unemotionally and rationally.
5. Employment of the staff strictly based upon technical qualifications and demonstrated competency.
6. The possibility of career employment if members perform adequately, with expected appointment to greater seniority.

The development of a bureaucracy allowed those with capital to invest in businesses while remaining free from concern about their day-to-day operation. Investors distanced themselves from running the businesses because of what Weber termed the establishment and internalization of legal-rationale authority. Weber felt that legal-rationale authority was an improvement over

power emanating from tradition and custom. Power required charismatic leadership to govern, while authority merely required an "explicit set of rules," meted out unemotionally and rationally. He also viewed authority without power as the basis of figurehead leadership, however, when power and authority resided within a single individual, he termed that person as a formal leader.

To better illustrate the impact of the Protestant ethic in terms of the "tribal ethic." Weber felt that the most significant consequence of bureaucratization was the trend towards rationalization, or a gradual disenchantment with custom and tradition. Modern society, he felt, would increasingly discard the yoke of myth and belief and replace it with a growing attitude that the world can be understood and manipulated. Man, thought Weber, could then become the master of his own fate and environment by organizing his efforts unemotionally and rationally. He would reject the supernatural and conquer the environment.

The Tribal Ethic

One of the oldest forms of social organization is the tribal society. The glue that binds members of a tribe into a social, economic, and political force is formed by a common language, ancestry, and geography, and from these, common customs, and traditions. Customs and traditions are dictated by values. Although tribes differ widely in organization and beliefs, there are some remarkable similarities even among tribal people of other continents. The common factor is that, consciously or subconsciously, tribal members regard the perpetuity of the tribe as being more important than individualism.

The "ideal type" of a tribal society possesses sufficient flexibility to allow individual differences to surface without diminishing the essentially egalitarian structure. This is accomplished by rewarding or according status to individuals who are cooperative, generous, persuasive; and formalized in ceremonies such as the "give-way." Charismatic (individuals who can influence the behavior of others through persuasion) leaders are also rewarded with status and respect.

Tribal societies are vulnerable to the exigency of nature, but this is minimized by utilizing the clan system. A clan is a group of families that usually is responsible for some aspect of tribal life. Each clan has allegiance to the tribe and is responsible for some economic, social, or religious function. This diffused responsibility was a kind of broad-based insurance policy that provided for tribal survival.

Religion in an "ideal type" of tribal society plays an integral role in absorbing the entire membership into the tribal ethic. Tribal religion not only teaches the appropriate behavior of man towards God but also those of man

towards man and man towards the environment. Tribal religion places great importance in viewing oneself as a part of, not apart from, nature. Nature is to be collaborated with . . . not conquered. Therefore, man, animals, matter, and energy, the separation of which Weber describes as rationality, are integrated in a tribal society, much as a circle has no beginning and no end.

Leadership in a tribal society must command consensus. Power is vested in the person, not the position that a person holds. In terms of economics, tribal societies tend to produce what they can consume. If there is a small surplus it is generally used to attain goods which they cannot produce, or to ensure prestige through the give-away. Whatever economic activities tribal societies engage in, they tend to prefer those which ensure permanence above progress. Given choices, then, activities such as farming and ranching are perceived as being more advantageous than using the same land for strip mining.

The following chart illustrates the differences between the Protestant ethic and the tribal ethic. It should be noted that we are outlining at all times an "ideal type," describing each society in its purest form.

The underpinnings of all societies are its *values*. (If you look at the generally agreed upon heroes of a society, you can often discern the values of that society, because heroes tend to embody much of what that society values.) Values require *norms* to become operational, that is, the characteristics desirable to attain the embodiment of the values. Norms are generally realized through the internalization of *roles*. Roles may be gender oriented and/or class-caste oriented. In order for society to integrate people into roles, they develop *institutions*. It is through these institutions that people learn the required skills and behavioral patterns that integrate them into society. (For more information on this subject, the reader might want to examine Neil Smelser's *Theory of Collective Behavior*.)[3]

The chart indicates that the two societies are decidedly different. Tribal society is pre-industrial, and Euro-American society post-industrial. The argument has been made that all pre-industrial societies must modernize sooner or later. The cost of modernization may be the fragmenting of the structure of tribal society, but it is the only means of emerging out of poverty. The argument that this paper proposes is that although development is necessary and desirable, more attention should be paid to the process of development. It is not necessary to tear apart the fiber of a tribal society in order to save the tribe from starvation. Many Third World countries have rejected the model of development exported by Euro-Americans. Even Japan, the shining star of capitalism, has incorporated traditional values into its economic system. In any case, as a pragmatic matter, the investments that public and private interests have made in the reservations have not seriously affected the per capita income of Indian people. If anything, more people are on or below the poverty

IDEAL TYPE

The Tribal Ethic	The Protestant Ethic
	VALUES
Man and the universe are related in a circle.	Man has dominion over the universe.
	NORMS
Clans, sub-clans, and extended families provide for the survival of the tribe.	Nations, states, and countries provide for the survival of the individual.
Religion integrates man with God, man with man, and man with the environment.	Religion integrates man with God, man with man, and man as ruler over the universe.
Man collaborates with the environment.	Man conquers the environment.
	ROLES
Leadership requires consensus to govern.	Leadership requires majority rule to govern.
Leadership is charismatic. Leadership is vested in the person.	Leadership is legal authority. Leadership is vested in the position.
Leadership is broad based, diffused through the clan system.	Leadership is hierarchical and centralized through the development of bureaucracy.
	INSTITUTIONS
Formalized rituals within the tribe are designed to include all members into the full membership of the tribe. Entry requires the cooperation of clans and extended families.	Formalized social organizations designed to include only those who are highly competitive
An education system designed to teach the use of tools for a labor intensive economy	An educational system designed to teach the use of technology for a capital-intensive economy

level, on the average, than before. A land base that once supported sustenance cannot even do that when land is used for mining activities and water becomes scarce.

This essay presents some of the intrinsic differences of the Tribal ethic and Protestant ethic and then argues that development can take place that is congruent with the culture, rather than changing the culture in order to attain development. Rejected is the argument that tribal societies must make a "cruel choice" of changing values or starving. Equally rejected is the belief that the "Indian problem" will disappear in another decade as the Indians "assimilate." Individuals may assimilate, but tribal societies do not, as the Shah of Iran found out, and as the Russians in Afghanistan will discover. Tribal societies either emerge collectively out of poverty or remain collectively in poverty. The focus here is on the process rather than the product; and we argue that there is a benefit to the federal government in working within the tribal ethic rather than coercing tribes into the process of development under the Protestant ethic. Lessons learned from the Indian experience may be very valuable to this nation in its dealings with tribal societies in Asia, Africa, South America, and the Middle East.

We begin with three examples of Economic Development and federal policy, and then examine the Protestant ethic and the Tribal ethic. From that vantage point, we present ideas about planning, policy, and education within the tribal ethic.

One final caveat. This essay is not etched in stone. It is presented with the sole intent of raising discussion and dialogue so that we, collectively, can approach development and self-sufficiency in a more appropriate and meaningful way.

The Breakfast Factory

Criticism is often leveled against federal policy-makers for their grandiose mineral development schemes on the reservations. Since the focus here is on process rather than product, the following illustrates that even modest attempts at economic development can be foolish.

The Omahas, a once-nomadic hunting tribe, began developing small farms in the nineteenth century. The reservation in Nebraska bordered the Missouri River, and with good soil and ample water, crops, especially corn, became a ready source of cash for purchasing food and livestock. By the turn of the twentieth century, they were remarkably prosperous, so that the anthropologist Alice Fletcher testified in Congress that this tribe should be spared the ax of the Dawes Act, which would have divided the reservation into individual ownership. She succeeded in averting the full impact of the Dawes Allotment Act, but not in reducing the controls the Bureau of Indian Affairs exercised

over the tribe. The bureau began by leasing strips of land to white farmers because of fractioned heir rights (when heirs of alloted land have only a small fraction of the original allotment which is usually too small for profitable farming). The bureau reasoned that white farmers could make more profit from the land than the Omahas, and more money would come to the tribe from leases. As a result, the tribe that Fletcher described as "prosperous" became destitute during the depression because their allotments were tied to the lease money, and farmers everywhere were going out of business. By the 1930s, Congress had to pass enabling acts to appropriate money for food for the Omahas, who were on the verge of mass starvation. Undeterred, the bureau continued to advise the tribe, and in the 1960s they came up with another economic development project. This time it was the Omaha "Piggery and Henry," as it is known at Macy.[4]

The bureau convinced the tribe to apply for Economic Development Agency funds, and together with Omaha tribal funds invest into a modern pig and chicken farm. They were to build a huge cinder-block building to house the livestock. On the first floor were rows upon rows of pig stalls, kept clean by floor and overhead hoses that washed the pigs down automatically each day. All one had to do was press a button, and stalls and pigs were clean as a whistle. A conveyor belt at one end of the stall ran food past the pigs' noses, so that they could eat constantly day and night. This was supplied by a bin that discharged the food automatically onto the conveyor belt. Overhead, other stalls were lodged where the chickens were kept. They too had a conveyor belt with a constant source of food in front of their unceasingly hungry beaks. At the other end of the chicken stall was another conveyor belt and walkway. Once a day, a person moved along the walkway, picked up the eggs, and placed them on the conveyor belt, whereupon the egg traveled to a sorter and from there to an automatic packaging machine.

One other thing about the "breakfast factory." The Bureau had read studies which stated that one raised production by keeping pigs and chickens contented. Thus, they piped in muzak melodies to keep them in a constant state of euphoria.

This breakfast factory only needed two people to run it. One was an Anglo, a retired farmer, the other was an Omaha. Within the first year of operation, the meat packers at Sioux City were vying for contracts to market the pigs, chickens, and even the eggs. The livestock was highly prized as prime meat, and it wasn't too long before the contracts were written a year in advance instead of at the time of marketing.

This state of economic development continued for several years. Then tragedy struck. The Anglo foreman fell ill with a ruptured appendix. His assistant, the Indian, took over. Unfortunately, the foreman had never taught the Indian about the business end of the breakfast factory, only when to push

the buttons to run the conveyor belts. The latter had no idea of what pigs were to be trucked where, what chickens or even how many eggs were shipped each week. In any case, the Anglo was in the hospital for a long while, and it was six months before he could return to work.

Meanwhile, three young men returned from the Vietnam War to the reservations. Each of these young men came from large families who wanted to have a give-away and feast. Unfortunately, these families could not afford the amount of food necessary for a feast, so they went to the breakfast factory and asked the Indian running it for the loan of some pigs and chickens. They would return the goods when they were paid their lease checks. The Indian of course, gave them what they asked for. That summer there was an unusual drought. Many of the Omahas who raised crops for their own use saw them become as dry as hay before the summer was over. One by one, they came to the breakfast factory. And one by one they got the food they needed to sustain themselves. After all, the tribe owned the factory, and therefore it belonged to everyone. When the Anglo returned to his job, there were no pigs or chickens left and of course, no eggs. In fact, it was empty. He was furious with the Indian. The Indian could not understand why the Anglo couldn't just "fix" the problem, as he had handled everything else. In any case, these were his people and his family, and he could not let them go hungry when there were perfectly wonderful pigs and chickens available to eat.

Of course, the breakfast factory was never re-stocked. The tribe had spent a small fortune and it had supplied exactly one job for the Omahas. To this day, you can see a large cinder-block building overrun with weeds on the reservation. The conveyor belts are intact because no one could find another use for them, but the music system is gone because that was the only thing deemed usable.

The point is that automation does not necessarily increase self-sufficiency. In tribal societies, it is important that economic activities be broad based to achieve the desired effect of independence. Had the same amount of money been used to buy pigs and chickens for as many Omahas as possible, and had the tribe formed a cooperative to market the goods and incorporate the corn growers into the development plan with Federal Farming Administration in disseminating information about modern techniques, there is at least a strong possibility that more members would have been less dependent on the tribe or federal programs for sustenance.

The next story demonstrates another variety of economic-development venture on Indian reservations. Virtually every reservation can relate similar adventures into the inane.

Killing Two Birds With One Stone

Tribes are finding themselves more and more subject not only to federal policy but also to international policy as well. The oil crisis in the Middle East during the seventies resulted in a federal "self-sufficient energy policy." This meant that any tribe or Native Alaskan corporation with energy resources was subject to enormous pressures from the federal government and corporations as well. Little did the Japanese know that the brunt of their successful development in the sixties of small electronic parts, cheaper than those of their American competitors, would fall upon the Navajos. One American corporation, Fairchild, blamed its losses on cheaper Japanese labor, and reasoned that cheaper labor costs in the United States would make it once again competitive. The Kennedy administration's forces reasoned that the poor economy on the reservation was a result of few or no available jobs. Consequently, the policy during this period was to encourage industry to go to the reservation, with considerable federal funding to support such moves.

Someone at the Bureau of Indian Affairs must have learned of poor Fairchild's dilemma (maybe he read *Forbes* or *Fortune* magazine). Either that, or an executive from Fairchild got lost in D.C. and found himself in the Department of the Interior building. In any case, these two forces came together and, with BIA intervention, convinced the Navajos to use their own funds as well as federal economic development agency funds to build a Fairchild plant on the Navajo reservation.

Fairchild would have cheap labor, and the Navajos would have jobs.[5] So far, so good. However, someone at Fairchild made a policy decision that Navajo women were more desirable employees than Navajo men. Their dexterity at rug making made them excellent candidates for the dexterity necessary in constructing electronic parts. The problem was the Navajo women were already in the labor force because they owned sheep and from the wool, made rugs. So the marginal income they had from sheep was replaced by a wage income at the factory. Navajo men tend to consider the sheep economy as "women's" work. To make a long story short, the net result was very little increase in family income because it was the Navajo men who needed the jobs and should have worked at Fairchild. But it did help Fairchild compete in the international marketplace. A lesson learned here is self-evident: Development must not only be broad based on a reservation but it must also carefully examine cultural norms and work within those norms.

My final story illustrates the pitfalls inherent in relying upon "experts" or others to enforce contractual agreements with tribes.

The Oil That Got Away

On August 10, 1981, the Senate Committee on Indian Affairs held hearings concerning the illegal removal of oil from the Blackfeet reservation.[6] During the hearings, the committee discovered that an oil company had found a way to siphon off oil running from the oil well to a pipeline on its way to a main holding tank. At the tank, officials measure the amount taken by a truck, and from that measurement, royalties are assessed due to the tribe, state, and federal government. When the assessment is made, a certificate is issued that allows the truck to pass from the holding tank, through the reservation, and onto a delivery station.

The certificate is like a passport that allows trucks to go from the holding tank to its destination, yet, when the Senators queried the federal officials in charge of certification, they found that trucks were allowed to pass through the reservation without the certificate. When asked why, the officials argued that they did not want to hold up delivery and figured that a certificate would be issued at some point in the future. So, trucks that were siphoning off the oil before it reached the tank escaped notice because officials in charge of protecting Indian, state, and federal assessments did not enforce normal procedure. This went on for years before the fraud was discovered.

The Indians had relied upon the bureaucrats to ensure an "honest deal." But they were playing in a poker game where they did not know the rules. And the rules are simply that you can never rely upon a third party to ensure strict adherence to a contract. So the final lesson to be learned is that Indian economic development ought also to be through activities that they can manage from beginning to end. One can argue that no tribe has the expertise or capital to mine and market mineral resources. This is true. But the argument can also be made that the resources will not disappear. What is the hurry in exploiting them now, when there is a strong possibility that the tribes will also be exploited? Sooner or later, all fossil fuels will be depleted, even in the Middle East. If development is self-sufficiency, then it makes eminent good sense to wait until the tribes have skilled members to manage their resources rather than having non-Indian "experts" manage resources for them.

The truth of the matter is that all of these development schemes were designed for societies that understand and subscribe to the Protestant ethic. The tribes are operating under the Tribal ethic. Development can take place within the Tribal ethic, and tribes can and will change if they are in control of the process of development. Tribalism has existed longer than the memory of mankind, and it has done so because it adapts to changes. However, imposing the Protestant ethic model of development upon a Tribal-ethic people

will result in their rejecting any change that they cannot control or integrate into their value system.

Implications for Planning under the Tribal Ethic

Planning is a methodical as well as a creative process. The methodical aspect of planning concentrates on the product involved, while the creative approach focuses on the process. Without the creative process, planners tend to focus on raw materials to be exploited for maximum profit. While some jobs may be made available for Indians, that is not the primary focus for a methodically oriented planner. A planner who integrates reason with creativity looks at raw materials as only one aspect of a finished product and develops a plan that provides skills, capital, and marketing from raw materials to finished products. Maximizing Indian involvement in the entire spectrum of an economic activity minimizes the means by which non-Indians can exploit a tribe. The common factor in the "breakfast factory" story and "the oil that got away" is that benefits to the Indians and involvement of the Indians were, to say the very least, minimal.

The planning process should consider and include the cultural values and norms of the tribe. The Navajo example is one of many where these norms and roles have been ignored and whatever benefit might have accrued to the tribe, considerably diminished. Consider the calamity at Four Corners. Four Corners has not increased self-sufficiency among the Arizona tribes. If anything, it has increased dependency. Twenty million gallons of water evaporate each day and have done so at Four Corners since 1963. This evaporation has reduced the possibility of irrigating land for agriculture or grazing. At Black Mesa alone, the coal companies have dug 3,500-feet deep into the aquifers, utilizing 2,300 gallons of water a minute in the coal slurries. This rape of precious water resources in an arid land is taking place at the same time that the Bureau of Indian Affairs wants the Navajo to reduce their sheep herds because of the over-grazing of the land. Reducing the herd means less food, wool (and rugs), and less cash economy for that tribe.

Depleting the aquifers will increase the desertification of an already arid area, not to mention the effect that mining has on the health of the population. The final health-care costs may be staggering before the mines are depleted, offsetting whatever economic benefits that have accrued to the tribe. (The space shuttle was able to identify two earth landmarks from above . . . . the Great Wall of China and Four Corners.)

A sound plan creatively integrates tribal norms and maximizes the involvement of tribal people. It focuses on economic activities that permit both the possibility of turning raw materials into finished goods and the marketing of

those goods. It can be a one-product economy such as fishing in the Pacific Northwest, or a variety of cottage industries. It is possible, for instance, to incorporate the businesses of a cattle-raising tribe and a grain-growing tribe with a goal of capturing a marketplace. With some training, cottage industries can be managed by a family, or extended family, or a neighborhood.

An economic development plan for reservations should stay away from any assembly line concept. Bigger is not better for tribes. Post-industrialized societies accept specialization. Pre-industrial, or tribal societies require economic activites that can be generalized. To make an analogy, if the Indians were going to build a car, they would do it from beginning to end, rather than with an assembly-line approach. Economic activities are more successful when Indians are a part of, not apart from, the finished product.

Implications for Education under the Tribal Ethic

There are two schools of thought in Indian education. There are those who maintain that the sooner Indians attain professional-level skills, the better. They point to the schools, hospitals, and businesses on the reservations that are manned by non-Indians because the Indians do not have the training to fill these jobs.

The other argument is that many Indians prefer remaining within the traditional tribal economy and do not wish to go away to school. Further, they see no value in learning skills they would not use on the reservation.

To view education through an either/or prism is to deny the enormous diversity on any reservation. India, for instance, has steadfastly maintained that it must have well-educated people. It heavily invested in higher education to the extent that 14,000 of its citizens, who cannot be absorbed into the existing job market, graduate weekly from the universities. These people then emigrate to other countries, causing a "brain-drain" in India. This dis-investment in education is making a serious dent in the economy of India, just as it is on the reservations in the United States.

Why are we educating Indians, and what is education all about? The answers lie within each reservation, because ultimately education is a political as well as economic process. It serves to integrate people into the tribal economy. Reservations do not have to choose between professional and vocational-technical training. There is room for diversity, but only if the Planning Office and the Education Office are integrated.

On the Navajo reservation, an exciting para-veterinarian program was designed to meet critical sheepherding needs. The program was designed apart from the Planning Office, so that when the graduates left school they were on their own. The Planning Office is just now developing a facility for them to practice their profession, many years after they first graduated.

We suggest that the Tribal Planning Office and the Tribal Education Office be merged into one agency. It is through the integration of these two "think tanks" that development within the tribal ethic can proceed in an orderly and creative fashion. The end result might be better education, congruent with tribal development. At the very least, it will serve to integrate the Indians into the economy of the reservation.

Implications for Policy under the Tribal Ethic

Social policy arises organically from the values of a society. As we have shown, the values of a tribal society and those of the United States differ markedly. If imposing the Protestant ethic upon the tribal ethic had been successful, there would be no need to address this issue; but in fact, all attempts have met with failure, or at best, mixed results. Clearly, the data suggest that all the effort, all the funding, all of the various policy attempts to change the structure of tribalism over a hundred years or more, have not resulted in a more self-sufficient people. In fact, while 12.4 percent of families are at the poverty level, 28.8 percent of Indian families are at the poverty level according to the 1980 U.S. census. These figures become even more staggering when one examines the intense activity of multinational corporate businesses on the reservations. With all the wealth being taken out of the reservation, why are so many Indians at the poverty level? The obvious answer is that having lands rich in mineral resources does not, ipso facto, bring wealth to the Indian people. Social policy promoting exploitation of mineral resources to secure a sound economic base for the reservation has failed.

If something doesn't work, reason suggests that you change the process. It is time to take a fresh look at social policy, if in fact economic development on the reservations is truly being sought. There are two alternatives: The first is to continue for another hundred years on the way we have been going, and perhaps, just perhaps, the tribal ethic will disintegrate. This can be done, but the costs will be prohibitive. The second alternative is to view development through the prism of the tribal ethic. This is not a "never-never land" approach but is explicitly pragmatic. It is pragmatic because it serves the interest of both government and the Indian people; because the American people themselves are widely debating the consequences of the Protestant ethic in their own communities.

The American people are mobilizing to impose limits on nuclear energy, off-shore drilling, turning farm lands into developments, and air/water pollution—all of which are indicators of the Protestant ethic (maximizing profit). They are coming closer to the tribal ethic than ever before, so that the concern for the quality of life is at least as important as profitability, or even a higher standard of living. This debate will not go away, but will increase with

each decade as Americans mobilize their efforts to conserve clean air and water. National social policies will change, inevitably. Ten years ago, we did not have the Environmental Protection Act. Today we do, and though we may quarrel with the zeal with which the Environmental Protection Agency carries out its mandate, the fact is that it is one step towards valuing permanence at least as much as progress (the tribal ethic).

Social policy can be changed to promote development within the tribal ethic. It may be more seductive for the budget-minded, because working within the process can lead to more independence for the tribes and fewer federal dollars spent on the reservation.

There is another hidden bonus to the federal policy makers. American Indians are not the only tribal societies with the tribal ethic. Most Third World countries are also operating under the tribal ethic. Thus, in working with the tribes in congruence with the tribal ethic, this country may also learn how to work with Third World countries. So far, it has not done well because it has repeated its mistakes, imposing the Protestant ethic upon tribal ethic peoples. It was surprised when the modern Shah of Iran was replaced by a fundamentalist Islamic government. It sees Communists in Central America, instead of the tribal ethic asserting itself against the firmly entrenched, oligarchic ruling class. If the federal government were to view working with the American Indians as a kind of "learning laboratory" for the State Department, it might yet be able to get along with the Third World.

Conclusion

We reject the concept that development can only take place under the Protestant ethic. A choice between the tribal fragmentation and starvation is no choice at all. Self-sufficiency is attainable if the process of development is within the parameters of the tribal ethic. In the long run, working with, instead of in opposition to, the Indian people benefits everyone. In any case, all the evidence points to the fact that the reservations are still poor, despite the millions of dollars spent by industry and the federal government. If the money spent and effort made could have worked, it would have by now. Since it hasn't, it's time for a change.

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EDUCATIONAL POLICY AND GRADUATE EDUCATION FOR AMERICAN INDIAN STUDENTS

Clara Sue Kidwell

Formal education has been a major tool of the federal government in implementing its policies toward American Indians. It has been the vehicle for "civilizing" and Christianizing Indian communities. The efforts of the American Board of Commissioners for Foreign Missions to establish schools among the Choctaw in Mississippi were given official sanction by the President of the United States, who in 1816 issued a statement directing Indian agents to build schoolhouses and houses for teachers, and to furnish farming implements.[1]

The missions established among the Choctaw were exemplary educational institutions. Although there was some rather vigorous debate among the missionaries over whether the Indians should first be educated and then converted, or vice versa, the prevailing (although not unanimous) thought among the missionaries was that education should come first. The model which they instituted was that of the self-sufficient establishment, where children were instructed in the basic skills of English—speaking and literacy—arithmetic, and geography. They were also instructed in manual arts—the boys in agriculture or chopping wood, the girls in "the more laborious or the more delicate branches of domestic economy, when not engaged in their studies."[2]

The Civilization Act of 1819 provided a monetary incentive to religious groups, in the form of an appropriation of $10,000, to carry out their Christianizing and educational activities among Indian tribes. Education was generally seen as a necessary precursor to Christianity, and the vocational aspects of the schools served two ends—to teach children the virtues of domestic labor and to help make the schools self-sufficient.

The Choctaws supported the mission schools in their territory with annual contributions from the annuity payments they received from treaties by which they had ceded land. They also supported an institution of higher education for Indian students, the Choctaw Academy, established in 1825 by Colonel Richard Johnson at Great Crossings, in Scott County, Kentucky. The curriculum of the school included reading, writing, arithmetic, grammar, geography, practical surveying, astronomy, and vocal music.[3]

The Choctaw continued to support education for their youth, even in the Treaty of Dancing Rabbit Creek, the accord which provided for their cession of lands in Mississippi and their removal to the Indian territory west of the Mississippi river. Article XX of that treaty provided for the education "at the expense of the U.S. [of] forty Choctaw youths for twenty years."[4]

The Choctaw Academy flourished in the period from 1832 to 1838, partly because of the support of the tribe, but the attempt of the director to institute instruction in "mechanical arts" did not meet with success, although it suited the interests of many students. The school finally lost the support of Choctaw leaders when some young men from influential families returned to the tribe saying that they had learned nothing useful there. The removal of the majority of the Choctaw to the Indian Territory in 1831–1832 and the subsequent establishment of schools there led to the demise of the Choctaw Academy in 1843.[5]

Higher education for Indians, although established early in institutions like Harvard (1636), Dartmouth (1769), and the Choctaw Academy (1825), has not been particularly attractive to or successful with those students. The apocryphal story that, of the first eight students at Harvard, three went home and five died indicates the Indian perception of the effect of formal university education on Indian students.

Through the early 1900s, Federal policy focused on vocational education. Beginning in 1869, the policy of the United States government encouraged the establishment of missions and schools on Indian reservations. The policy of off-reservation boarding schools was established with the intent of removing children from the cultural influences of their families and communities and placing them in an environment where they could be immersed in the culture of the dominant society and educated in its values. The suppression of native languages in boarding schools was a conscious policy to undermine the power of language as a cultural determinant. It also worked to reinforce the authority of teachers who did not understand the languages of their students and who felt threatened by their use of those languages in the classroom.

The vocational emphasis of Indian education was obviously part of the government's policy to "civilize" Indians by teaching them the values of American society. Again, Indian students were being taught the importance

of domestic activities in regard to the home and family. And during the era of the reservation policy in the 1850s and 1860s, it was felt that they should be taught the values of farming and individual land ownership. Many treaties during the period of the reservation policy provided that the government would send plows, wagons, seed, and instructors to teach the Indians to farm. The level of education provided by the government at this point was very much a matter of federal policy. Indians should learn to work the land and live as the white settlers on the plains did—with individual farms and individual effort.

The primary example of off-reservation boarding school education was Carlisle Institute, established by Colonel Richard Pratt, who had been stationed at the military prison at Fort Marion, Florida, where several Indian leaders were imprisoned after they were captured in wars against the U.S. government. Pratt was appalled at the treatment of Indians but felt strongly that the only way their conditions could be improved was by education. Part of the curriculum instituted at Carlisle was the "outing" system. Students were placed in the homes of white families, ostensibly to learn and adopt the domestic habits of those families. The outing system was an aspect of the kind of vocational education that government policy fostered. Although abuse of the system led to some Indian students' being used as servants by white families, the system's intent was to expose students to the values of white society so that they would be better able to adapt to it.

Despite the government policy which established and regulated schools stressing vocational education for Indian students, there were individuals attending professional schools or pursuing the equivalent of graduate education. Charles Eastman, a Sioux, attended Dartmouth College and received an M.D. degree. Carlos Montezuma, an Apache, not only practiced medicine but also published a very successful newspaper devoted to Indian issues; Suzette LaFlesche was the first Indian woman physician. She received her degree from the Women's Medical College in Philadelphia. Charles Eastman and Carlos Montezuma became well known, not as professional people but because of their outspoken championing of Indian social and political causes.

Off-reservation boarding schools, particularly important in the so-called peace policy of President Ulysses S. Grant beginning in 1869, provided a means of taking children away from the cultural influences of their homes and families and, in a kind of tabula rasa situation, implanting new cultural values. Pratt's school in Carlisle, Pennsylvania, was the first major example of this kind of education.

In 1884, several schools were established—Chilocco in Oklahoma, Haskell in Kansas, Riverside in California—that provided vocational education for Indian students. The quality of education and the conditions at these and other

off-reservation boarding schools came under severe attack in the Meriam Report, *The Problem of Indian Administration*, published by the Institute for Government Research in 1928.[6] A major health problem was the demand that children who were often sick with tuberculosis and who survived on a nutritionally inadequate diet should labor in the fields and buildings of the schools. Manual labor was very much a part of the schools' regimens.

Although the Meriam report recommended an increase in funding for Indian education, which was initiated, it did not change the general policy of promoting vocational education. The report stated specifically that "The Indian population of the United States is particularly in need of the kind of vocational training that will lead directly to increased wealth."[7] A single paragraph on higher education called for the encouragement of students going on to college. Small numbers of Indian students continued to pursue higher education and obtain graduate degrees, but it remained federal policy to train Indians for manual labor and vocational positions.

A major recognition of the need for higher education for Indian students was the transformation of Haskell Institute, since 1884 a trade, technical, and vocational school, into Haskell Indian Junior College with the addition of a college-transferable liberal arts program in 1970. An interesting vestige of former policy was the fact that students at Haskell were still required to perform "detail," or physical labor, maintaining dormitories, classrooms, and the dining hall.

The formation of the American Indian Higher Education Consortium in 1971 is also a recognition of higher education by Indian people themselves. The consortium began informally in 1971 with four Bureau of Indian Affairs schools: Southwest Indian Polytechnic Institute at Albuquerque, New Mexico; Haskell Indian Junior College at Lawrence, Kansas; Chilocco Indian School at Chilocco, Oklahoma; and the Institute of American Indian Arts at Santa Fe, New Mexico. By 1976, ten Indian community colleges had been added. Currently, the consortium has twenty-one member institutions, and it holds a yearly conference where representatives of the institutions can exchange information.

In October of 1978, Congress passed the Tribally Controlled Community College Assistance Act. It promised to provide more than $85 million to Indian-controlled institutions over a three-year period. The regulations implementing the act, however, were so stringent that none of the community colleges qualified for assistance. The perception of administrators of the colleges was that the federal government was not interested in meeting the colleges' needs.[8]

The Indian Education Act, Title IV of the Education Amendments of 1972, provided among other things for training for Indian teachers of Indian chil-

dren, and the regulations implementing the act call for a limited number of fellowships for graduate study. It might seem that higher education, even graduate education, was coming into its own in terms of federal policy.

In a curious way, however, policy was still dictating a vocational interest for Indian students. The graduate fellowships under Title IV were restricted to professional fields—law, medicine, business, and education (legislative changes in the act finally allowed psychology as a field of study). The intent of this part of the act was to provide needed professional expertise in Indian communities. Although the intent was consistent with wishes expressed by Indian communities for their own doctors, lawyers, business managers, and teachers, the effect was to channel Indian students into specific areas by making access easier. In order to meet a perceived need for Indian administrators of schools in Indian communities, federally funded educational administration programs were established at Harvard, the University of Minnesota, Arizona State University, and Pennsylvania State University.

A special program was also funded to draw Indian students into public health, and fellowships have been provided through the Indian Health Service. From the initial implementation of federal support in 1970 to the spring of 1983, 131 students had received M.P.H. degrees from the four institutions (the University of California at Berkeley, the University of North Carolina, Loma Linda University, and the University of Hawaii) where the program operated.

The effects of special, federally funded programs in education and public health have been admirable because they have created a pool of Indian professionals. However, they have also played a major role in dictating the choices which Indian students have made. A survey of twelve Indian women students in the School of Public Health at the University of California at Berkeley in 1978 indicated that eight of them would not have entered the field if it had not been for the existence of a special recruitment and support program for Indians there.

Obviously, federal policy is not the sole determinant. Indian students are influenced by parental pressures, role models, the potential financial advantages of a career, and many other factors. The effects of this manipulation have certainly been beneficial to Indian communities. Nevertheless, although these programs have not deliberately discouraged Indian students from pursuing certain academic objectives, they have served to provide access in certain areas and not in others. When the access is provided only in certain fields, it may be argued that federal policy is being used to manipulate the career choices of Indian students.

The current patterns of choice of Indian students in higher education seem to reflect past policies. At all levels of education, Indian students tend to be

most heavily represented in vocational or professional areas. A survey of high school students in 1982 indicated that Indian students had the highest percentage of representation in trade and industrial programs of any ethnic group—11.5 percent.[9]

At the graduate level, Indians are concentrated in the field of education. Forty-five percent of master's degrees awarded to American Indians in 1978–1979 were in education, as were 41.3 percent of the doctorates.[10] Of doctorates awarded to Indians in 1981, 47 percent were in education, and of that number, 45 percent were in educational administration.[11]

The availability of financial aid in the form of special fellowship programs in education for Indian students has clearly had an impact on their career plans. But federal policy does not obviate the need for people with advanced degrees in other fields.

Federal manipulation of academic supply and demand is not unique to Indian-education policy. The U.S. government also supports graduate education in the sciences through the National Science Foundation fellowship program. In the past it has supported a large number of students through the National Defense Education Act (passed in the immediate post-Sputnik era to meet the need for science education); currently, the major fellowship program in the Department of Education is the Foreign Language and Area Studies program, designed to promote the development of specialists in the languages and cultures of various world areas, who will teach at the college level. Government policy dictates the priorities for fields of study and world areas to be funded each year.

The main thrust of federal policy regarding higher education for Indian students has been to improve the quality of instruction and administration of elementary and secondary schools that serve Indian children, and to improve the quality of health care for Indian communities. Now the increasing interest of those communities in providing their own higher education through junior colleges is creating new needs for Indians with the credentials to teach at that level.

The Ford Foundation has recently expressed an interest in higher education for Indian students in academic degree programs. Funding has been provided for the development of a consortium of eleven colleges and universities to promote the flow of Indian students from undergraduate to graduate programs in the social sciences and humanities at participating institutions. The Foundation has been very important in promoting higher education through its fellowship program for minority students, which was in operation from 1971 through 1978. That program has recently been evaluated, but the final report has not been published as yet. The Carnegie Corporation has also expressed its interest in higher education by funding a small planning grant to assist the

consortium in developing an educational path for students in the sciences and mathematics, and to increase their numbers in graduate programs.

These efforts are funded by private sources. Federal policy still limits its fellowship support to professional areas. The changing needs of Indian communities and their increasing emphasis on college-level education mean that it is time to call for a federal policy that encourages Indian students to pursue graduate education so that they may prepare themselves to be the next generation of college professors and scholars.

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ETHNOLINGUISTICS AND AMERICAN INDIAN EDUCATION: NATIVE AMERICAN LANGUAGES AND CULTURES AS A MEANS OF TEACHING

Paul V. Kroskrity

In this paper I hope to explore some ways in which an attention to Native American languages and the communicative norms of Native American speech communities can be effectively used in rethinking some norms of educational policy and practice and in suggesting new research priorities in future linguistic investigation. Underlying both concerns is the conviction, hardly original, that professional educators and linguists have much to learn from the Native American communities which they serve. In the case of American Indian education, it may seem ironic to suggest that teachers should learn from their students and from the communities of these students; but if school learning is to be an *additive* process—one which seeks to build onto the "informal learning" experiences of Native American cultures that have already begun long before school attendance—then such apparent teacher-learner role reversal is not only appropriate but even necessary.[1]

As a linguistic anthropologist, I think a similar line of reasoning can be extended to work in my own field. Certainly, non-native-speaking linguists have long been dutiful students of American Indian languages. I can assure you that it is only with considerable dedication and training, not to mention the great patience and attentive guidance of native-speaker consultants, that the non-native-speaker linguist can approximate or appreciate "fluency," in the sense employed by Charles Fillmore, in an American Indian language.[2] But while linguists are familiar with the role of the learner in this context, they

have usually been quite confident that *their* theories and goals—not those of native speaker and his or her community—provided an appropriate design for guiding and conducting linguistic research. Here I would like to suggest that an attention to the community's own folk linguistic notions might provide a useful complementary or alternative program of linguistic study which is more likely to yield substantive research that is of greater practical benefit to Native American speech communities.

I have, then, two objectives in this brief paper. One, to point out the implications of some prior linguistic-anthropological research for educational policy and practice—work that derives from the study of language structure and language use, work that has implications for rethinking both curriculum design and classroom pedagogical strategy. In addition to summarizing some examples of this type of scholarship, I will suggest some ways in which this research may be meaningfully extended. My second objective is to explore briefly the folk linguistics of the Arizona Tewa and to suggest a somewhat different strategy in formulating research priorities in linguistic and linguistic anthropological investigation of Native American languages and their associated speech communities. While these two objectives are analytically distinct, I will emphasize their important interrelationship in the concluding section.

Intrusive Education and American Indians: First Encounters

It seems appropriate to begin a discussion of applying Native American linguistic and cultural knowledge toward the practical end of educational reform, by recalling my first personal encounter with educational institutions charged with the responsibility of teaching Native Americans. It was the summer of 1973, my first year of field research on Arizona Tewa—a Kiowa-Tanoan language spoken on and around First Mesa of the Hopi Indian reservation in northeastern Arizona. In order to find some facilities that would be appropriate for working with native-speaker–consultants, I approached the administrators of the BIA-run Polacca Day School, located at the foot of First Mesa. As I entered the school compound for the first time, I could not help but record visual impressions of contrast with the surrounding Hopi and Arizona Tewa communities of Polacca and the First Mesa villages.

In both architectural style and in building materials, the brick school and shingled homes of the teachers differed dramatically from the sandstone structures which seemed to blend in with the mesa and its surroundings. The distinct and comparatively new buildings of the school compound, as well as its general separation from other houses in the community, provided a telling contrast with the organic architectural unity of the Hopi village of Walpi, perched almost immediately above on First Mesa. Even before my first en-

counters with the teachers, my senses had begun to alert me to the general intrusiveness of the school—in Polacca and the First Mesa area but somehow not part of it.

My discussions with many of the teachers contributed to my sense of juxtaposition. I had come to talk to the Hopi principal on the advice of my faculty advisor. But since the principal was out of town, I was referred to his Euro-American vice-principal. He gave me conditional permission to use a schoolroom and took great delight in introducing me to other teachers and in forewarning me of the many difficulties I would have in enlisting any cooperation from Indians in my linguistic research.

I worked at the school for several weeks, scheduling sessions with several Arizona Tewa consultants on a daily basis. In time, as friendship and trust dispelled any suspicions about me and as my consultants grew to trust me, I was invited into their homes and we dispensed with the school as a meeting place. But during those first weeks, I obtained some valuable insights regarding curriculum design, classroom practices, and teacher preparation—information obtained through interviews and observations in my "off" hours.

My first and lasting impression was, again, one of extreme juxtaposition. The teachers—then mostly Euro-Americans—were woefully underprepared for teaching the Hopi and Arizona Tewa students of the First Mesa area. Though they had received some significant training in the academic subjects they were to teach, their training never exposed them to the cultures of their students. They were unfamiliar with the people—their history, their languages, their cultures, their land. The closest approximation to relevant preparatory experience was, in the case of one teacher, his previous experience in teaching urban Blacks in Miami. He viewed this experience as preparatory under the assumption that strategies which were regarded as effective with one "disadvantaged" ethnic minority might be simply transported to another—a critical confusion of social with cultural systems.[3] Despite such ignorance of their Indian students and the community from which these students came, the Euro-American teaching staff seemed to avoid deliberately all the cultural activities of First Mesa. They had never been to a social dance, a masked—or kachina—dance, local weddings, general community activities, or any other events. It was disconcerting to find that even those teachers who had taught in Polacca for several years had far less of an appreciation of the cultures of their students than the casual but interested tourist who had visited the First Mesa villages even once. These teachers formed a closed network of interaction and mutual support. A favorite activity of their social gatherings was discussion of their off-reservation experiences, often supplemented by group viewing of each others' home movies and vacation slides. In keeping with this orientation, their curriculum content and teaching strategies reflected a

genuine ignorance of their students' cultural identities. They taught their classes as they might with any student population, making no attempt to address or use the cultural differences of their students.

Of course, in the twelve years which have elapsed, some significant changes have occurred in both the school which provided my first encounter with some of the many problems of American Indian education and in many other schools which serve Native Americans. Since the Lau decision, bilingual and bicultural education are the law. That is to say, they exist as the rights of any students who would be educationally handicapped without an education that is appropriate given their linguistic and cultural backgrounds. Of course, as many of you know, these rights are especially difficult to transform into educational realities—especially insofar as Native Americans are concerned. Another important development has been the proliferation of Indian-controlled schools.[4] Other developments of significance are the growing number of Native American educators and the trend to include some Native American cultural and historical content into the school curricula of many American Indian classrooms.

While these processes are significant, they have neither transformed nor even touched the educational realities of many Native American students. The situation I encountered on First Mesa in 1973 still approximates that which prevails in many if not most educational institutions serving Native American students and communities today. Toward the end of offering some suggestions for rectification and improvement of these and other educational programs, I would like to discuss briefly the thrust of some linguistic-anthropological research and the promise it holds as a basis for reform and revision of curriculum and pedagogical strategy in educational institutions, particularly at the primary level, that are nominally designed to serve Native American students. My assumption here is that *additive learning and teaching* best serve Indian students by seeking to maximize continuity with cultural upbringing, by using cultural knowledge as an educational resource, and by offering a type of schooling that cannot be construed as antagonistic to one's native cultural heritage.

Native American Languages as a Curricular Focus

Back in 1973, Kenneth Hale in his article "The Role of American Indian Linguistics in Bilingual Education" offered some valuable and concrete suggestions on how the linguistic knowledge of Native Americans students could be used as a resource by providing data for the students and teacher to discover linguistic generalizations, to engage in an introduction to hypothesis testing,

and otherwise serve as an early initiation into the basic principles of scientific reasoning.[5] Though the article deals with Navajo, Hale himself suggests the applicability to any classroom where a substantial number of American Indian children bring with them a working knowledge of their native languages. What he suggested was participation in structured language play. Some of the activities he suggested included explaining the ungrammaticality of certain semantically and syntactically ill-formed sentences. Such sentences, for example, might contain a plural subject (e.g., boys) that fails to "agree" with a verb inflected for a singular one. Other aspects of taken-for-granted linguistic knowledge could be revealed by employing partially completed sentences for which students must select appropriate words in order to "fill in the blank." In Navajo and many other American Indian languages, for example, so-called "classificatory" verbs exist which specify the shape of their objects. As Hale observes for Navajo, all the verbs meaning "to handle, give, drop, or eat" are of this type.[6]

Thus, only slender, rigid objects fit the frame:

_____ shaa níłįįh. Give me the _____.

Objects that are slender and flexible must instead be inserted into a different frame containing the appropriate verb for that shape:

_____ shaa níłé. Give me the _____.

Since Navajo has many such relevant shape categories, the task posed to Navajo children of finding words that "sound right"—or what we linguists more imposingly call "grammatically well-formed"—produces a list of possible slot-fillers for each frame. Students can then examine each list and generalize what they have in common—an informal statement of a grammatical rule which they "knew" as native speakers but which they probably have never before had to explicate. In a similar fashion, students can find that different verbs meaning "to eat" are required depending upon whether one is eating such foods as lettuce, herbs, and so on on the one hand, meat and relatively round or bulky foods on the other. The task of finding the appropriate generalization which corresponds to such everyday linguistic knowledge and behavior provides an enjoyable and instructive challenge.

Hale provides many other game-like linguistic exercises that seem well suited to the primary school curriculum. As children learn more about their language they also receive valuable experience in inferential reasoning and, through refinement of their informal generalizations in response to more and more data, in hypothesis testing as well. As Hale states, "The aim is to get students involved in using their language in ways which will bring out its

wealth of structure".[7] As part of a Native American language component in a traditional classroom or as part of a more inclusive bilingual education program, such an approach would certainly foster a renewed appreciation of their native languages on the part of the children. Where the classroom teacher is a non-native speaker, such sessions could be conducted by native-speaking aides from the community or, where available, by native-speaking linguistic specialists. Thus, the specifics of each session must be attuned to both language and specific details of each language, and adapted to considerations of available personnel.

Kenneth Hale has offered a valuable and practicable suggestion of how native languages can be incorporated into the curricula of Native American classrooms.[8] Back when Hale wrote his important but as yet under-used article (see note 6), the sentence was typically the largest unit of structure. Today, however, texts have made a dramatic comeback as new generations of anthropological linguists have returned to this traditional preoccupation of Franz Boas and the first generation of linguistic anthropologists. The renewed attention to Native American texts has produced considerable refinement over Boasian practices, which engendered detailed transcriptions and "faithful" translations but typically failed to capture or even approximate the verbal artistry of Native American traditional narratives.[9] Linguistic-anthropological students of Native American verbal art look to the relations between sentences and examine the contributions of these sentences to the entire narrative, distinguishing the various parts which compose the whole story or myth.

While many of the ethnopoetic subtleties of text-building in various Native American oral traditions are clearly beyond the ken of many primary- and secondary-school students, they are quite capable of distinguishing the major parts of many traditional storytelling genres. Students could hear several traditional narratives spoken by a native speaker and make generalizations about their similarities and differences. In Arizona Tewa stories of the genre *pę́:yu´u*, there is typically a formulaic introduction, *ˋó:wɛ:heyámba*, not unlike "Once upon a time . . . " Then the main characters are introduced and, after that, the plot begins to be revealed. While plots are quite varied, those stories involving the character of "Old Man Coyote" invariably end with his death or his utter humiliation. Then the storyteller announces the end of the story, optionally explicating the moral it contains. This attention to the oral literature of one's cultural heritage and the discovery of structure in native genres promotes an awareness of a type of native literacy. Here I use Pattison's recent sense of the term "literacy" in which he frees it from necessary association with the mechanics of actual writing, equating it more with an effective or rhetorical command of one's language.[10] The systematic but playful study of the narrative art of one's own language and culture provides appropriate com-

parison and contrast with the written literary genres—including narrative and general exposition that will be introduced in the school probably late in primary education or even later in junior or senior high schools. Such consciousness-raising vis-à-vis presumably familiar objects would prepare students for the mastery of less familiar modes of expression.

Certainly there are a number of problems associated with any attempt to incorporate American Indian narrative art into the curriculum of a school with a significant Native student population. Such considerations include the availability of fluent narrators, the variation in linguistic knowledge on the part of the students, the presence of restrictive cultural norms for narrative performance, the lack of pre-existing curriculum materials, and the need for presenting relatively individualized material representative of each student's particular linguistic and cultural heritage.[11] Despite whatever cost in time and effort such implementation might require, however, the educational rewards to Indian students should seem especially valuable to anyone who recognizes the importance of language in the development and maintenance of personal and ethnic identity.

Learning Styles in Classroom and Community

Another line of research, perhaps best represented by Susan Philips's studies of the different communicative norms of the community and the classroom on the Warm Springs Reservation, Oregon, is also relevant and particularly instructive for those Native American communities where a command of the native language is not widely shared by all members of the community.[12] Briefly summarized, her research seemed to indicate that American Indian primary-school students excelled in those instructional contexts which most resembled the learning contexts of the home and the community. Where students were permitted voluntary participation, where they could engage in group cooperative activities, they encountered no problems in their classroom performance. Philips's studies also revealed a strong cultural preference for observation, followed by supervised participation culminating in a series of self-tests. Through these self-tests, children were given the opportunity to try out a newly learned skill apart from the observation of others. When perfected to the satisfaction of the learner, the skill could then be displayed to parents or other community members.

Yet, in the teacher-centered classroom which typifies most educational institutions, pedagogical strategy often involved teachers calling on students to elicit verbal confirmation that learning was taking place—often in the midst of an instructional activity—thus denying the student the opportunity to "self-test" prior to the required performance before the group. Philips's

studies, which I have only briefly outlined here, suggest the great importance of learning more about the cultural norms of informal learning within Native American communities. A revised pedagogical strategy that offers more alternatives to the teacher-centered classroom in the form of increased reliance on other types of participant structures would permit children to learn in a manner to which they are culturally accustomed. An awareness of such norms can thus be used to implement teaching strategies that are sensitive to the cultural backgrounds of Native American students.

Even if educators were willing and able to incorporate such reforms in teaching practice, however, there is hardly an abundance of studies upon which such reforms could be based. As Shirley Brice Heath has indicated, most studies in the ethnography of communication rarely provide a comprehensive account of language socialization practices, focusing instead on specific speech events that are typically performed by adults.[13] As a result, any attempt to rethink pedagogical strategy, to experiment with the social organization of the classroom, must be preceded by original research to determine just what the cultural norms of informal learning really are in a given community or ethnic group. Such research is time-consuming and the number of qualified researchers is comparatively few. But here again the effort seems more than appropriate if the result enhances educational effectiveness, particularly for those educational institutions—whether Indian or non-Indian controlled, federally or state-administered—which currently display a preponderance of school failure among their Native American students.

Folk Linguistics: Native Understandings and Research Priorities

One of the reasons for the aforementioned lack of research on informal learning and, more generally, on language use in contemporary American Indian communities, is attributable to the emphases of (Euro-) American linguistic theory and practice. There is a penchant among many, if not most, linguists to divorce language from the study of communication, to view the sayable as more important than the actually said. My preliminary research on Arizona Tewa folk linguistics suggests that members of this group, and perhaps of many other Native American groups, have a native understanding of language that is more realistic than the asocial one, characteristic of many linguists, which emphasizes the autonomy of language and asserts its independence from the culture and social lives of its speakers.

In order to understand the folk linguistics of the Arizona Tewa, two native terms are of critical importance.[14] Both terms, *tʏ́* ("word") and *hi:li* ("language") are multifunctional (i.e., they function as more than one "part of speech"—here as both nouns and verbs) and polysemous (i.e., possessing

multiple but related meanings). Tų̄, as a noun, may be translated as (1) "word," "phrase," "idiom," "prior verbal interaction," and (2) "voice" or "cry." In the first of these meanings tų̄ designates a unit of a more encompassing whole, which is hi:li. In this sense, and as its range of possible translations might suggest, it is not used to distinguish analytically different levels of linguistic organization but rather to designate some unit of actual, situated speech. In the latter sense, tų̄ labels what makes speakers verbally distinctive: the individual voice of the person or the distinguishing cry of a particular nonhuman animal species. As an inflected verb, tų̄ may be translated as "to say" when occurring with stative pronominal prefixes, or "to tell" when occurring with active or passive prefixes.

The Arizona Tewa word hi:li, as a noun, may be translated as (1) "language" and (2) "discourse," "dialog," "conversation." In the first of these senses, hi:li may be used to distinguish one language from another (e.g., Khoson hi:li "Hopi Language" from Tẽ:wa hi:li "Tewa Language"). In this meaning it is superordinate to tų̄, which is a situated part of hi:li. But this inclusion should not be viewed as strictly analogous to the contrast of "language" and "speech" in contemporary academic discourse. Hi:li is more inclusive than "language," since it includes not only a linguistic system but also an associated set of discourse norms. An example may be instructive here. On one occasion, in the summer of 1976, I witnessed Dewey Healing, a valued friend and Tewa consultant, bargaining with Navajos who had driven up onto First Mesa in order to sell mutton. He seemed remarkably skilled in Navajo: he was able to greet them, converse freely, bargain down to what he considered a satisfactory price, and even sell some buckskin that he had long wanted to dispose of. After the encounter, I remarked on his apparent command of Navajo, but he qualified his self-estimation of this apparent fluency in the following way:

> This was a good deal for me but I don't really know their Navajo language (hi:li). I know the greetings, the right words (or phrases) (tų̄) but I seem to talk too much for them. I know the words (tų̄) but their language (hi:li)—I don't know it.

In his own estimation, then, hi:li includes more than the rules of pronunciation and grammar, more than the lexical items; it includes other norms regarding "turn-taking" behavior and accompanying non-verbal communication as well.

This inclusion is also reflected in the second sense of hi:li as "discourse" or talk between people. In this meaning, hi:li can be modified to indicate a particular type of discourse such as *te'e* hi:li, "kiva talk," which implies both such linguistic constraints as the avoidance of non-native terms and the prescribed use of esoteric vocabulary items, as well as the regulation of talk

in the form of prescribed statements and responses by kiva chiefs and kiva members respectively. One aspect of this sense is its appeal to a tradition of usage—speaking the past. This association with a history figures prominently in an expression that I have heard on many occasions: *Na:-ˋim-bî hi:li na:-ˋim-bî wowa:ci na-mu*—"Our language is our history." Also significant is that this saying also occurs in the singular—"My language is my history." These sayings reflect a strong belief that the Tewa language and its use reflect the history of the Arizona Tewa speech community and, at the individual level, that a person's speech reflects his or her biography. Related to this is a comment by Albert Yava—an important and especially knowledgeable Arizona Tewa elder: "I have only to hear someone talk for a short while before I know who they are and where they have been."[15]

As a verb, *-hi:li-* is closely related to the second sense described above—"talk" or "discourse." This is grammatically reflected in the fact that -hi:li- can only occur as a transitive verb, translated variously as "to converse" or "to talk to each other" (when used with reflexive-reciprocal pronominal prefixes); "to talk to (someone)" (with active pronominal prefixes); and "to be talked to (by someone)" (with passive pronominal prefixes). The verb thus semantically presupposes a speaker and a hearer—communication between people.

To summarize this brief exploration of Arizona Tewa folk linguistics, we can meaningfully compare some of its main propositions to those of modern theoretical linguistics which, as Michael Silverstein has observed, reflects a Western folk theory of language.[16] Though the Arizona Tewa folk model of language, like its somewhat more fully articulated Euro-American academic counterpart, represents a complex constellation of interrelated assumptions, concepts, and values, at least four significant contrasts between these two views of language may be analytically distinguished: (1) Where the European view emphasizes language as a cognitive object, the Tewa stress its social nature. (2) Whereas the European view of language is "atomistic"—preferring detailed analyses of isolated phenomena—the Tewa view represents a more holistic acknowledgment of the role of language in communicative acts. (3) Where the European view of language emphasizes its homogeneity, the Tewa see speech variation as an important reflection of cultural and individual choices, of group history and individual biography. (4) Whereas modern Western linguistics emphasizes synchronic description—a particular stage of the language—the Tewa emphasize a historical perspective, viewing language as a reflection of their cultural past and ongoing historical change. Thus, in contrast to the often asocial view of language which dominates academic linguistics, the folk linguistics of the Arizona Tewa is quintessentially social.

Conclusion

One may reasonably conclude from the preceding section that the folk linguistics of Native American speech communities is not only worthy of study in its own right but may also provide important guiding values which can meaningfully shape future research. The folk linguistics of the Arizona Tewa, and perhaps that of other Indian groups as well, promotes a more socially and culturally oriented type of linguistic research, since it displays a more balanced interest in languages *and* their speakers than is true of much past and present linguistic research. This observation should not be construed to mean that researchers who pursue the applied and sociolinguistic studies suggested by the more socially oriented folk-linguistic models of Native American cultures can ignore such linguistic structures as phonology and syntax; rather, such studies should provide a means to an end, an end which can be viewed as properly dictated by the folk linguistics of the group. Research along such lines will provide Native American communities both with a means of controlling their linguistic resources and with a basis for appropriate educational reforms such as those mentioned earlier in this paper.

NOTES

1. This view of education as an *additive process* follows that of John Collier, *Alaskan Eskimo Education, A Film Analysis of Cultural Confrontation in the Schools* (New York: Holt, 1973). My understanding of "informal education" follows the opposition introduced by Sylvia Scribner and Michael Cole, "Cognitive Consequences of Formal and Informal Education," *Science* 182 (1973): 553–559.
2. Charles J. Fillmore, "On Fluency," in *Individual Differences in Language Ability and Language Behavior*, ed. C. J. Fillmore, D. Kempler, and W. S-Y. Wang (New York: Academic Press, 1979) 85–101.
3. This confusion, although explicitly expressed by only a single teacher, was actually quite typical of other teachers and many educational institutions serving ethnic minorities. While many American Indians *are* economically disadvantaged, their socioeconomic status—one shared by individuals from other ethnic minorities—hardly obliterates important cultural differences which distinguish them from other cultural groups. Anthropologists will recognize an academic counterpart of this popular confusion in the largely discredited notion of "the culture of poverty." See Oscar Lewis, "The Culture of Poverty," *Scientific American* 215 (4): 19–25 (1966) for a representative expression of this position, and Charles A. Valentine, *Culture and Poverty* (Chicago: University of Chicago, 1968) for an elaborate refutation of it.

4. Margaret Connell Szasz, *Education and the American Indian* (Albuquerque: University of New Mexico, 1974), 169–1980.
5. Kenneth Hale, "The Role of American Indian Linguistics in Bilingual Education," in *Bilingualism in the Southwest*, ed. P.. R. Turner (Tucson: University of Arizona, 1973), 205.
6. Ibid., 207.
7. Ibid., 225.
8. A modified version of many of Hale's suggested linguistic games could also be employed in schools where Indian children do not possess a working knowledge of their "ethnic" languages. There, the frame sentences could be presented not to elicit appropriate linguistic knowledge from the children but rather as formulas for them to learn as part of language instruction. Given the traditional importance of language to any culture, it should occupy a more prominent position in the curricula of schools which serve Native Americans. In those cases where appropriate native speakers must come from the community rather than the faculty and staff, such activities may help to foster school-community relations as they have in Northfork, California, between the public school system and the Mono Indian community (Rosalie Bethel, personal communication).
9. See Dell H. Hymes, *"In Vain I Tried to Tell You": Essays in Native American Ethnopoetics* (Philadelphia: University of Pennsylvania, 1981); Dennis Tedlock, *The Spoken Word and the Work of Interpretation* (Philadelphia: University of Pennsylvania, 1983); Paul V. Kroskrity, "Growing With Stories: Line, Verse, and Genre in an Arizona Tewa Text," *Journal of Anthropological Research* 41 (1985): 183–199.
10. Robert Pattison, *On Literacy* (Oxford: Oxford University Press, 1982).
11. Another consideration, of course, is community attitudes. As Karen Swisher has shown for the Standing Rock Indian Reservation in North Dakota, there are cases in which teachers have a more favorable attitude toward the innovative curricula of multicultural classrooms than do members of the Indian community. (Karen Swisher, "Comparison of Attitudes of Reservation Parents and Teachers Toward Multicultural Education," *Journal of American Indian Education* 23 [3]1–10 [1984]). See also Terry Tafoya, "Native Bilingual Education: Oral Tradition and the Teacher," *Bilingual Resources* 4(2–3, 1982): 41–44, for relevant remarks on the incorporation of oral traditions into the classroom.
12. Susan U. Philips, *The Invisible Culture, Communication in Classroom and Community on the Warm Springs Indian Reservation* (New York: Longmans, 1983).
13. Shirley Brice Heath, "Linguistics and Education," *Annual Review of Anthropology* 13 (1984): 259.
14. This discussion of Tewa folk linguistics is taken from Paul V. Kroskrity, *Tewa Language, History, and Identity: Ethnolinguistic Studies of the Arizona Tewa* (Tucson: University of Arizona, 1987), where a somewhat more developed treatment of this topic is offered.
15. For an autobiographical study see Albert Yava, *Big Falling Snow* (New York: Crown, 1979).
16. Michael Silverstein, "Cultural Prerequisites to Grammatical Analysis," in *Georgetown University Round Table on Language and Linguistics, 1977*, ed. M. Saville-Troike (Washington, D.C.: Georgetown University Press, 1977), 139–151.

SOCIAL POLICY AND PLANNING FOR AGING AMERICAN INDIANS: PROVISION OF SERVICES BY FORMAL AND INFORMAL SUPPORT NETWORKS*

Robert John

Recently, a number of works have focused attention on the issue of service utilization by minority elders.[1] This newfound interest in applied questions is overdue, since it has long been known that minority elders suffer a "double jeopardy." According to John Colen, "studies have illustrated that service utilization patterns among the minority aged are neither consistent with those of whites, nor in many cases are their rates of service use commensurate with their own levels of need."[2]

Reasons offered for this situation fall under three general headings: availability, awareness, and accessibility. Enough evidence exists to conclude that each of these is a problem among Native Americans,[3] although the significance of each varies according to type of service, region, or tribe. In general, a full range of services is unavailable to Native American elders. According to E. Daniel Edwards, Margie E. Edwards, and Geri M. Daines, the ten services most likely to be available to Native American elders were (1) meals, (2) recreational activities (crafts, games), (3) transportation by car or van, (4) Indian activities and dances, (5) trips or excursions, (6) outpatient alcohol and drug services, (7) outpatient mental health and medical services,

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(8) community planning, (9) adult education, and (10) a language interpreter. Their top ten unmet service needs were (1) homemaker services, (2) sheltered employment workshops, (3) consumer protection services, (4) nursing homes, (5) cars and vans (transportation), (6) community volunteer programs, (7) outpatient mental health and medical services, (8) inpatient alcohol and drug services, (9) buses, and (10) outpatient mental health counseling.[4] Half of the services that are most available provide minimal or no instrumental assistance —that is, assistance concerned with the everyday activities necessary to sustain physical well-being. Instead, many of the available services appear to be directed toward psychological needs. In comparison, at least eight of the ten needed services are instrumental in nature.

In addition to the lack of adequate services, awareness of services for which they are eligible and the accessibility of these services is low among Native American elders. The National Indian Council on Aging attributes underutilization of services to the complexity of the rules and regulations of government programs, as well as a "lack of outreach and programatic information being made to the Indian community."[5] Even when services are available and efforts have been made to inform eligible clients, service utilization is impeded because of the existence of multiple obstacles, such as transportation problems, poor health, or inadequate income, that combine to limit utilization.

Frank C. Dukepoo maintains that difficulties with agency personnel are special problems that reduce service use among American Indians, although Powers and Bultena found similar attitudes among elderly Iowans.[6] According to Dukepoo, low service utilization is not simply attributable to lack of availability or awareness of services; "fear, mistrust and insensitivity of the agency personnel were the predominant barriers to service utilization by the American Indian group." Additional impediments include "difficulties with written forms and documents," or what Indians jokingly call "white tape."[7]

Although the availability and awareness of services and accessibility to them are all important in explaining the underutilization of services by American Indian elders, I will argue that the problem is actually more fundamental for this particular group. If, as Robert Moroney recognized, "policy analysis relies on available data and existing research rather than on collection of new data,"[8] perhaps the precarious status of Native American elders has much to do with the lack of accurate knowledge among policy makers and service professionals of their service needs, as well as of how their needs are currently being met.[9]

Colen suggests that minority aged have suffered because their problems and needs have been determined by experts who come from a different social and cultural context. Expressed in theoretical terms, "institutions and symbolic

universes are legitimated by living interests."[10] Consequently, these "experts" produce a service system that poorly meets the needs of people in other social locations, of which minority elders are prime examples.

Since the ideology of professionalism works against overt discrimination by people within these "helping professions," the result is a subtle and unintended form of institutional discrimination.[11] Although he did not cast the problem in these terms, Moroney has succinctly characterized the existing bias evident in social policy, a bias that is attributable to precisely the prevailing ideology and social interests arising from the concrete social location of most politicians and social planners. According to Moroney,

> most social policies are oriented to individuals and not to families. Furthermore, when the object of the policy is the family, invariably it defines the family as nuclear. To shift policy development so that the modified extended family is explicitly included would require a major reorientation. . . . If successful, such a reorientation could result in policies that set out to maximize available resources, the natural resources of the family, and the resources of the social welfare system. Such an approach begins with a search for ways to support families by complementing what they are already doing—intervening directly and indirectly, but not interfering. To identify possible strategies, it is necessary to review the characteristics of families and the external stresses they are experiencing.[12]

Berger and Luckman recognize the ability of institutional experts to define reality, but they also identify the intellectual as the "counter-expert" in defining reality because the intellectual is, "by definition," marginal to existing social arrangements.[13] Our knowledge of American Indian elders, with few exceptions,[14] has remained the private knowledge of institutions such as agencies of the federal government (Indian Health Service, Bureau of Indian Affairs), or the National Indian Council on Aging. This has led a number of authors to claim that older American Indians are forgotten or neglected Americans.[15]

Larry Curley characterized the current situation best:

> As much as elderly Indians detest surveys, questionnaires, recording equipment, etc., the need for reliable baseline data is important. Because we live in a society that is obsessed with numbers, percentages and significance levels at the .05 level, it is important that these figures exist, so that advocates can provide the powers that be with numbers that they can be impressed with.[16]

In addition to political leverage, Bell, Kasschau, and Zellman identified another, very practical benefit of research while deploring the state of our knowledge about American Indians: "knowing about the needs and problems of groups facilitates the design of services delivery systems, and we know little about the needs and problems of American Indians."[17]

This essay is an attempt to provide what Moroney identifies as the first step

in the policy process. To achieve this, I will examine existing research and available data on American Indian elders in order to characterize their current status in both reservation and urban environments, as well as the mix of services Indian elders receive from formal and informal support networks. The policy aim is to shift social planning and policy from its current emphasis on individuals or, at best, nuclear family units, to the larger support network of family and friends working in conjunction with formal social services.

Methods

The data used as the basis of comparison are drawn from the first nationwide study of Indian elders conducted during 1980 by the National Indian Council on Aging (NICOA). NICOA employed a cluster-type probability sample in which each federally recognized Indian tribe and Alaskan village, as well as urban centers funded by the Administration for Native Americans, was considered a cluster. Major problems with this procedure concerning the representativeness of the sample are candidly discussed at length in their report, entitled *American Indian Elderly: A National Profile*. In brief, these problems include not having accurate population data for sample selection, and the failure to gain participation from all of the chosen clusters, in particular the Sioux and Chippewa.[18] Despite these problems, this study is the most comprehensive one conducted to date, and the findings add to our knowledge of a category of elders about which very little is known.

The failure of NICOA and their consultants to fully analyze the data is more serious. NICOA did not employ the urban/reservation dichotomy that is the basic comparison of this essay. In fact, they fail to provide any cross-classification of the data whatsoever, and do not report some elementary but crucial summary statistics, particularly, the measures of central tendency. In addition, the report does not provide separate information for urban Indians over forty-five years of age. However, since they did provide figures for all Indians over forty-five and separate figures for the over-forty-five reservation group, it was possible to calculate the urban figures, and I have derived this information myself. All tables have been compiled using NICOA data in this manner.

The basic comparison made throughout the remainder of this essay is between urban and reservation Indians over the age of forty-five. Although this would be considered "middle age" by researchers who study the white middle-class, there is good reason for focusing on this age group rather than the more traditional age of sixty or sixty-five. As the NICOA study concludes, the status of reservation Indians over forty-five years old closely resembles the status of the non-Indian population over age sixty-five. In addition, Roger P.

Doherty maintains that "Indians should be considered elderly at an earlier age than the rest of the population,"[19] and I have recommended elsewhere that the federal government confront this issue and provide services to Indian elders based on "the realistic age at which an Indian should be considered 'elderly,' " rather than an arbitrary chronological age chosen for bureaucratic convenience. In that essay I argue that using age sixty or sixty-five as the criterion for designating who is "elderly" has hampered realization of the legislative goals of the Older Americans Act among Native Americans.[20]

Whenever I discuss group differences in this essay, I use the terms "substantially" and "significantly" in a double sense. These terms denote that a finding is both a substantively important one and that it is also statistically significant at the .05 level or better, based on a test of significance between two proportions.[21] In comparison, the term "slightly," when used in comparing the two groups, means that the differences were not statistically significant.

Current Status

As many authors point out, accurate figures on the number of Indian elders and their geographic distribution do not exist. According to the best demographic estimates, approximately half of all Native Americans live in urban areas, and the other half are rural.[22] It is unclear whether the same is true of Indian elders. Using the NICOA data, in this section I will compare urban and reservation groups over the age of forty-five on several important indicators of their current status. In addition to basic demographic information, I will also characterize the financial position, social contact, life satisfaction, and health status of the two groups.

Reservation Indians over forty-five years of age are substantially less likely to live alone than are urban Indians, and substantially more likely to live in a household with more than two members. Only 16 percent of reservation residents as compared to 25 percent of urban Indians report that they live alone, and 30 percent of urban Indians as compared to 47 percent of reservation Indians have households with three or more members. The reservation group is substantially more likely than urban Indians to have a spouse, child, grandchild, or sibling present in the household, although the precise household composition was not reported by NICOA.[23] Reservation Indians are slightly more likely to have a parent or grandparent in their home, and slightly less likely to report having a friend living with them than are urban Indians. As can be seen in Table 1, reservation Indians are more likely to be single, married, or widowed, and considerably less likely to be divorced or separated.

Clear differences emerge in terms of financial status, as well. When asked how well the amount of money they have takes care of their needs, slightly

Table 1

Marital Status of Reservation and Urban Native Americans, 1980

	Urban 45 +	Reservation 45 +
Single	6.3	7.5
Married	43.1	54.4
Widowed	29.5	31.0
Divorced	16.5	4.9
Separated	4.5	2.2
	(N = 176)	(N = 493)

over one-third of both urban and reservation samples replied that their income "poorly" met their needs. Although only a small minority of both groups say that they receive regular financial assistance from family members,[24] reservation Indians (5.7%) are significantly more likely than urban Indians (2.4%) to receive such support. Using another measure of financial need, 48 percent of urban Indians and 74 percent of reservation Indians report that they "can not" or "can barely" meet their payments. Furthermore, although a majority in both groups reported that they usually do not have enough for "little extras," the reservation group was significantly more likely to report this status. A majority in both settings also feel that they lack sufficient resources for future needs, and sufficient financial resources or assets to meet emergency needs, with reservation residents significantly more likely to feel vulnerable on both counts. Given these perceptions of their financial situation, it is understandable that a majority of both groups agree that they need more financial assistance. Once again, this sentiment was significantly more likely to be expressed by reservation Indians.

There are major differences in the social contacts of the two groups as well. Reservation Indians are less likely to report having a confidant, having talked with someone on the phone in the last week, or having spent time with someone other than a household member within the last week, and more likely to say that they do not know any people well enough to visit the person's home. Although reservation Indians are slightly more likely to express that they would like to see friends and relatives more often, and report that they have less social contact in general, they are slightly less likely to express feeling lonely "quite often" than are urban Indians.

Urban Indians tend to live farther from their "nearest friend or relative" than reservation Indians. Thirty-four percent and 45 percent of urban and

Table 2

Frequency of Visits with Nearest Friend or Relative

	Urban 45 +	Reservation 45 +
Every day	18.7	16.3
Several times per week	23.1	25.5
Once per week	28.6	21.6
Once every two weeks	7.7	11.5
Once per month	12.1	8.2
A few times per year	4.4	5.8
Never	5.5	11.1
	(N = 91)	(N = 208)

reservation Indians respectively live within one mile of this nearest contact. Another 23 percent of urban Indians and 25 percent of reservation Indians report that this person lives one to five miles away. However, the fact that urban Indians live at somewhat greater distance from their nearest friend or relative apparently does not result in less frequent contact with this person, when compared with the reservation group. Equal proportions of the reservation and urban samples (41.8%) report visiting this person at least several times a week. A difference does exist for those people who report the least contact with their nearest friend or relative. Reservation Indians (11.1%) are twice as likely as urban Indians (5.5%) to say that they never visit their nearest friend or relative.

Some differences also exist in terms of life satisfaction. Both groups are equally likely (87%) to acknowledge that they are "happy most of the time." However, in response to another question, reservation residents were more likely to express feeling lonely much of the time, even when they were with people. Reservation residents were also slightly more likely to describe their present life-satisfaction as "poor." A majority of reservation Indians report that their present life satisfaction is "fair," while a majority of urban Indians describe theirs as "good." Despite this, reservation residents are significantly less likely to express a desire to "leave home," and significantly more likely to express the feeling that their daily life is full of things that interest them. Reservation Indians are, however, significantly more likely to believe that someone is planning to do evil things to them (13.3%), a sentiment that is practically non-existent among urban residents (1.7%).[25] On balance, one would have to conclude that the life satisfaction of aging reservation Indians is somewhat lower than their urban counterparts.

Undoubtedly, lower life satisfaction is partly explained by differences in health status, since evidence points to greater health problems and medical needs among reservation Indians. For example, reservation Indians are substantially more likely to feel that they need medical care or treatment beyond what they currently receive. In fact, they are over twice as likely to claim this than are urban Indians, by a margin of 29 percent to 14 percent. Overall, the reservation figure can only be characterized as a medical care crisis. Despite their stated need for additional medical care, reservation Indians are more likely to be taking medications, since a higher proportion of reservation Indians report having taken prescription medications within the last month, for fourteen of eighteen types of drugs about which information was gathered. Also, reservation Indians are significantly more likely to report that they need supportive or prosthetic devices that they currently do not have; the three most often-mentioned devices were a hearing aid (24.2%), eye glasses (12.9%), and a cane (6.5%).[26]

In addition, reservation Indians are more likely than urban Indians to report that their health interferes "a great deal" with things they want to do. A plurality of reservation Indians (44.2%) report that their health interferes "a little" compared to a plurality of urban Indians (43.4%) who report that it does not interfere "at all." Although a majority of both groups say they are covered by health or medical insurance, reservation Indians are significantly less likely to report such coverage. Over 44 percent of reservation Indians, as compared to 23 percent of the urban group have no coverage.

When asked how their current health compared to their health five years ago, a majority of both groups reported that it was about the same. The major difference between the two groups was that urban Indians were more likely to report that their health had improved and less likely to say that it had gotten worse within the last five years. Similarly, 48 percent of urban Indians indicated their present health was "good," as compared to 42 percent of reservation Indians who rated their health as "fair." Indeed, the same pattern emerges at the extremes of the continuum as well. Reservation Indians are twice as likely to describe their health as "poor," and urban Indians are nearly twice as likely to evaluate their health as "excellent."[27]

Given these important indicators of status, a clear portrait of the two groups can be described with some precision. The deprivation experienced by reservation Indians is substantially greater than urban Indians. In general, the reservation group is poorer, supports more people on its income, has fewer social contacts, somewhat lower life satisfaction, and is in poorer health. One should not infer from this that urban Indians are privileged. This would, indeed, be a misleading interpretation of the situation. Urban Indians are simply better off when compared to the least privileged segment of our society.

Table 3

Percent Requiring Some Assistance With Activities of Daily Living

	Urban 45 +	Reservation 45 +
Using telephone	7.4	27.8
Getting to places out of walking distance	9.2	28.4
Going shopping for groceries or clothes	9.2	26.4
Preparing meals	4.0	18.0
Doing housework	15.6	29.2
Taking medicine	3.6	11.2
Handling money	4.0	16.3
Eating	1.7	3.8
Dressing and undressing	2.3	5.7
Taking care of appearance	2.3	5.1
Walking	5.8	8.9
Getting in and out of bed	3.1	5.7
Taking bath or shower	3.4	8.7

Service Needs and Use

As can be seen in Table 3, the greatest service needs of both groups are for what Powers and Bultena call nonpersonal (i.e., housework, shopping, transportation) rather than personal (i.e., bathing, dressing, eating) assistance.[28] The relative level of needs in the two groups are quite different, however. The four most prevalent activities of daily living for which both urban and reservation groups report that they need some assistance are housework, transportation, using the telephone, and going shopping. As can be seen, over one-fourth of the reservation sample state that they need some assistance with each of these four activities. The percentage of reservation Indians requiring some assistance with the activities of daily living range from twice to over four times the need expressed by urban Indians. For example, the greatest service need of both groups is assistance with housework, thus confirming the finding of Edwards, Edwards, and Daines.[29] The need is nearly twice as great on reservations, however. In addition, note that there is not a single activity of daily life in which a larger proportion of urban Indians report this need than reservation Indians. Indeed, over 10 percent of the reservation group report that they need some assistance with seven of the thirteen activities, something that was true of only one activity for urban Indians.

Table 4

Perceived Need for Specific Services

	Urban 45+	Reservation 45+
For someone to broker, advise, give information about available help	47.5	44.0
Transportation	22.2	40.6
For regular monitoring by phone or in person (5 times a week)	25.9	40.8
For doctor or social worker to review overall condition (health, mental health, and financial condition)	16.4	33.5
Help with routine housework	17.9	30.7
Education or on-the-job training	25.3	15.6
Help with legal matters	10.5	22.8
Have someone regularly prepare meals	7.1	20.0
Twenty-four-hour care	5.8	13.5
Prescription medication for nerves	13.7	9.7
Nursing care	5.2	12.4
Help in finding a job	14.6	11.3
Someone to help with bathing, dressing, eating, going to toilet	3.9	9.0
Physical therapy	7.2	9.5
Remedial training or instruction in basic personal skills (speech therapy, reality orientation)	3.8	9.7
Treatment or counseling for personal or family problems or for nervous or emotional problems	9.7	6.8
Finding another place to live	10.3	5.5

When one turns to the issue of perceived need for specific services, the foremost need of both groups could be termed the need for information and referral assistance. Over 40 percent of each group said they need someone to broker, advise, give information, or help them get available services. This is a crucial need, but I agree with the conclusion made by the National Indian Council on Aging that the broker role requires personal help in dealing with an annoying, if not bewildering, array of small details (e.g., filling out forms,

providing proof of date of birth or income).[30] In order to be successful, many times one must be prepared to directly intervene on someone's behalf, find out eligibility requirements, help fill out forms, or organize transportation.

Except for this foremost service need, the remaining rankings differ between the groups, with higher proportions of the reservation sample expressing a need for eleven of the seventeen services. Apparently, the need is twice as great for a review of one's overall condition, help with legal matters, regular meal preparation, twenty-four–hour care, nursing care, help with personal hygiene, and training in basic personal skills (including speech therapy, reality orientation) among the reservation group. While the level of service need is greater on reservations—the top five service needs of the reservation group were designated by one-third of all respondents—more than 10 percent of urban Indians perceive a need for ten of the seventeen services, while this was true of eleven services for the reservation group.

With few exceptions, greater service needs among reservation Indians is attributable to lower income, poorer health, or different characteristics of the reservation environment, particularly, a lack of transportation. Alternatively, the services cited by a higher proportion of the urban sample are either the types of services needed when traditional support and counseling are absent, or those supports needed to negotiate an urban environment.

Support Networks

When asked if there is someone who *would* give help if they were sick or disabled, reservation Indians were less likely to view such help as being available. However, reservation Indians who said that this type of assistance would be available if necessary were more likely than urban Indians to feel that such help would be provided as long as it was needed. When asked to identify the source of this *potential* assistance, the rank orderings of the three most likely caregivers for both urban and reservation groups were the same. Children were mentioned most often,[31] followed by the person's spouse, with siblings ranked a distant third. Friends were listed as the fourth most likely source of support for the urban group, while some "other" relative was mentioned by reservation residents.

Both reservation and urban Indians rely equally on their children for this *potential* service, thus confirming Adams's statement that the parent-child bond is the most important kin tie,[32] but reservation Indians identified their spouses more frequently than the urban group, a result largely attributable to the greater likelihood that urban Indians do not have a spouse present. The major differences between the two groups' *potential* support networks are that

urban Indians are substantially less likely to say they would rely on a spouse and nearly twice as likely to rely on assistance from friends than are reservation Indians. However, a family member was identified as the potential caregiver 88 percent and 96 percent of the time for the urban and reservation samples, respectively. Since this question provides an indication of what people believe would occur, the results attest to a modest attitudinal difference between the two groups, and a somewhat greater prominence of family members in the support network of reservation residents.

In comparison to the source of support that people identify as part of their *potential* support network, the *actual* pattern of assistance is quite clear. Table 5 provides a breakdown of the source of assistance for ten services for people who had received these services within the last six months. While it is true that family and friends are important service providers for both groups, Indians on reservations depend on family and friends more than their urban counterparts for nearly all types of assistance. These data confirm Dukepoo's conclusion that reservation elders rely more on family than do urban Indian elders.[33] Certainly, this is explained in part by the greater availability of social services in urban areas. However, with the single exception of regular monitoring by phone or in person, a higher proportion of residents on reservation depend on family and friends for assistance than do urban Native Americans. In fact, family and friends provide a great deal of the care for the reservation group, even primarily medical services such as nursing care and physical therapy.

In contrast, with the exception of finding a place to live, urban residents rely on hired help or a social service agency more than reservation residents. Indeed, more than 10 percent of urban Indians report that they received assistance from hired help or an agency for nine of the ten services, while the same was true of the reservation group for only six services. Furthermore, there are only three services (finding a place to live, help with household chores, regular preparation of meals) for which a higher proportion of the urban group report reliance on both formal and informal supports than do reservation Indians. In each of these three instances, however, reservation Indians report that these services are ones typically provided by family and friends.[34]

The discrepancy between service availability on reservations and in urban areas can be addressed by looking at service utilization during a six-month period. An analysis of actual service use for a six-month period reveals not only the rate of service use in urban and reservation groups but also the services that are most used and the differences between the two groups. As can be seen in Table 6, the exact rank and rate of use varies, but the same services are in the top five for both groups. Social and recreational programs, regular monitoring by phone or in person, help with household chores, a review of

Table 5

Source of Support for Specific Types of Assistance for Those who Received Help in Last Six Months

	Urban 45 +			Reservation 45 +		
	family or friends	hired help or agency	both	family or friends	hired help or agency	both
Personal care (bathing, dressing, eating, or toilet)	60.0	20.0	20.0	62.8	16.3	20.9
Nursing care	18.2	63.6	18.2	25.5	44.7	29.8
Physical therapy	—	85.7	14.3	—	62.5	37.5
Twenty-four-hour care	57.1	28.6	14.3	75.4	7.2	17.4
Monitored by phone or in person (at least 5 times a week)	95.3	—	4.7	90.8	3.2	5.9
Finding a place to live	36.8	36.8	26.3	47.1	47.1	5.9
Household chores	66.7	14.8	18.5	85.8	5.5	8.7
Someone to regularly prepare meals	71.4	14.3	14.3	86.3	3.9	9.8
Legal matters, managing personal affairs or money	33.3	57.1	9.5	55.9	32.4	11.8
Someone brokered, gave information, or got help	18.7	60.0	21.3	36.2	41.3	22.5

their overall condition, and use of a broker for information or assistance are the five most used services.

Where service utilization rates differ between the two groups, the reason for the difference is clear. Urban Indians show higher utilization rates for all services provided either exclusively or predominantly by formal social service agencies, with the exception of those services which tend to be medical services. The difference is most pronounced in the area of employment assistance and training,[35] as well as information and referral services. In contrast, reservation Indians tend to have higher utilization rates for those services provided by family and friends, services in which assistance from family and friends is given in conjunction with services from an agency, or services of a medical nature, because of eligibility for and availability of Indian Health Service assistance.

Further confirmation of this interpretation about the relative importance of family networks on reservations can be drawn from Table 7. This table provides the proportions of each group who were still receiving a particular service after six months. Here again, with the single exception of regular monitoring by phone or in person (a service provided by family or friends), a higher

Table 6

Service Utilization in Past Six Months

	Urban 45 +	Reservation 45 +
Organized social or recreational programs (including pow-wows, Indian feasts, or ceremonials)	54.4	48.4
Employment assistance or counseling	12.9	6.8
Occupational or on-the-job training	8.0	4.5
Remedial training or learning basic personal skills (speech therapy, reality orientation)	1.7	1.2
Counseled for personal, family, nervous, or emotional problems	5.8	5.9
Took prescription medication for nerves	14.3	8.7
Help with personal care (bathing, dressing, eating, toilet care)	5.2	9.3
Nursing care	5.7	9.7
Physical therapy	4.0	5.3
Twenty-four-hour care	8.2	15.1
Monitoring by phone or in person (at least 5 times a week)	41.3	44.6
Help finding new place to live	11.6	3.5
Regular help with routine household chores	15.6	27.9
Someone to regularly prepare meals	12.3	22.9
Help with legal matters, handling money	14.0	14.9
Doctor or social worker reviewed overall condition (health, mental health, social and financial condition)	15.8	27.2
Someone helped get needed services, gave information about available help	43.9	31.1

proportion of the reservation group reported that they were still receiving services that are typically provided by family or friends. In comparison, a larger proportion of the urban group reported receiving the services provided primarily by formal sources than did the reservation sample. Indeed, for the reservation group it is precisely those services that are provided by formal means that are the least likely still to be received after six months.

The same picture emerges if one focuses on specific services. For example, three-quarters of both samples reported that they did not get any regular help with the cost of food or meals. When those who reported receiving such help were asked to identify the source of this assistance, a clear difference emerged

Table 7

Percent Still Receiving Help for Specific Services

	Urban 45+	Reservation 45+
Occupational or on-the-job training	52.9	25.0
Remedial training or in basic personal skills (speech therapy, reality orientation)	40.0	20.0
Treatment or counseling for personal, family, nervous, or emotional problems	42.9	39.1
Taking nerve medication	56.0	63.0
Help with personal care (bathing, eating, dressing, or toilet)	50.0	63.6
Nursing care	72.7	57.8
Physical therapy	42.9	37.0
Twenty-four-hour care	42.9	57.1
Monitoring by phone or in person (at least 5 times a week)	88.2	82.3
Household chores	71.0	82.8
Meal preparation	70.0	82.1
Legal matters or managing personal business affairs	47.8	67.2
Someone brokers, advises, gives information about available help	92.2	87.2

between urban and reservation residents. Reservation Indians are significantly more likely to receive help from family or friends or a meals program than are urban Indians. In contrast, urban Indians report more use of food stamps than do reservation Indians. However, even the hot meals program provides limited support for people, since only 10 percent of reservation Indians and 4 percent of urban Indians who report such assistance get a meal from an agency at least five times a week. Given this situation, it is understandable that a majority of both samples felt they needed food stamps. One can conclude from this that Indians in both environments feel they lack enough support to ensure adequate nutrition, and they desire more help. Although reservation Indians do rely on their family network more, and also receive more assistance from a hot meals program, one can conclude that neither formal nor informal support networks are performing enough of these services to meet perceived needs.

Similarly, when asked if someone helped with such things as shopping, housework, bathing, dressing, and getting around, the urban sample was significantly less likely to report these forms of assistance (28% to 40%). The

source of this help also differed between the two groups. For reservation residents, a child (43.2%) or their spouse (32.1%) was identified as their "major helper," followed by an "other" relative (6.3%), a sibling (4.7%), or a grandchild (3.2%). In comparison, the urban sample identified their spouse (41.3%), a child (39.1%), followed by a grandchild (6.5%) and some "other" relative (6.5%) as their "major helper." When one considers the fact that a spouse is less available to urban Indians, several possible conclusions can be drawn from this finding. Either urban Indians are more isolated from their children, or they adhere to the value of independence, not wanting to "burden" their children. The absence of the children alternative is suggested by the relative salience of grandchildren as their major helper, since children are considered the first source of help for these kinds of assistance.[36] The relative absence of help from a sibling also suggests that fewer family members are available to urban residents,[37] a conclusion that seems supported, since reservation residents identified six different kin relations as their major helper, as compared to only four such relations by the urban group.

The importance of a child in providing assistance for both personal and nonpersonal tasks is revealed from information provided about secondary sources of help with these same five services. For the most part, the secondary caregiver (when one is available) is a child for both reservation and urban Indians, and some *family* member was identified by everyone who said they had a secondary source of support. Of the people who say they receive help, approximately half of the reservation sample, as compared to less than one-quarter of the urban sample, report more than one source of help for these types of support. This suggests that the family network on reservations is larger, and more people are active in providing services there than in urban areas. This is also some indication that responsibilities toward elders on reservations are more likely to be shared rather than the sole responsibility of one family member. Friends, apparently, do not provide these services for either urban or reservation Indians. Indeed, friends were not mentioned by any of the respondents as either primary or secondary caregivers.

Conclusion

It is clear that there are major differences between urban and reservation aging American Indians in service needs as well as the mix of support received from formal and informal sources. By nearly any measure, the reservation group has greater unmet service needs than urban Indians. In general, reservation residents are poorer, have greater financial concerns, support more people on less income, have fewer social contacts and somewhat lower life satisfaction, and are in poorer health than urban Indians. And, compared to

urban Indians, the family is more salient as a direct and sole provider of services to reservation residents for eight of ten services. In addition, family members of reservation residents are more likely than their urban counterparts to share service responsibility with formal sources of support for seven of ten services. Indeed, there is only one service for which a majority of reservation residents report that formal supports are the sole direct service provider, as compared to four such services for the urban group. Nonetheless, the family is important in providing services for both reservation and urban Indians, although the relative demands on the family network are greater on reservations.

In addition, although it is not possible to conclude this with certainty, it appears that friends are not important service providers for either urban or reservation residents for the services on which information was gathered. Given the financial position of most Native Americans, it is likewise probable that hired help is an insignificant service provider, as compared to services delivered by an agency, although this, too, is conjecture. What cannot be explained is the reason these differences exist. Would these differences hold if one were to control for availability of services, availability of family and friends, proximity of members of the support network, length of residence within the community, the age composition or marital status of the two groups, or any other intervening variable?

Unfortunately, more research is necessary simply to bring a discussion of Native American support networks up to the level of current discourse. A number of topics about which something is known among whites, blacks, and even Latinos are yet to be researched among Native Americans. If this essay documents the importance of children to Native American elders, how important are friends, siblings, or more distant relatives in their support network? Are frequency of interaction, type of activities, direction, flow, and types of assistance, or proximity of kin similar to or different from what prevails in groups on which research has been conducted? Are there sex differences or asymmetry in contact and assistance within the network? Do the family networks of Native American elders evidence isomorphism with conclusions about social class or ethnic-group network characteristics? Do reservation elders rely on family support because formal services are unavailable, or do they rely on family members even when formal service programs exist to serve them? Are tribally-run social service programs used to a greater extent than off-reservation, Anglo-run social services?

From a policy perspective, designing a rational social service policy is dependent on such information. But until more research is conducted, it will be difficult to pinpoint those services that the family is willing and able to provide to its aging members, as opposed to those services that need to be

provided by formal means. Or further, it will be impossible to design services so as to accentuate the strengths and shore up the weaknesses of the informal network in order for the two systems to complement rather than compete with each other. Such information would also permit more precise identification of the characteristics of Native American elders most likely to need formal services, whether these people are predominantly women, widowed, or never married, the very elderly, people without a surviving child, or people who suffer multiple chronic health problems, as is true of the most needy portion of the elderly population in general.

At the beginning of this essay, I argue that social policy has been devised by people who are, by and large, ignorant of the circumstances of aging American Indians. Sadly, few effective attempts have been made to remedy this situation and educate policy-makers. I believe that this essay provides evidence to support a special effort to address the service needs of Indian elders in *both* urban and rural environments. Such an effort would necessarily include fundamental research, program evaluation, policy formulation, and planning. Without this special effort, it is doubtful that a more responsive Indian aging policy will be forthcoming. To date, the attempts that have been made on behalf of Indian elders have been largely political efforts, a strategy destined to relegate Native American elders to just another (and not very powerful) interest group competing for government resources.

If improvement of the well-being of aging Native Americans comes to a simple test of political will and power, then surely no improvement can be expected. This is not to say that political efforts can be dispensed with—they simply cannot be the sole basis of any attempt to improve the quality of life of Indian elders. Given the technocratic impetus that has taken root among the social planning segment of the American power structure, it is more necessary than ever before to be able to provide hard, empirical evidence in a precise, well-researched, and methodologically defensible manner, as Curley recognized.[38] Only this type of evidence will prove convincing. In the so-called "reduced funding environment," any group that seeks preferment must be able to produce more convincing evidence than other groups. In fact, fewer government resources simply increase the necessity of having solid research and well-formulated plans for service delivery. Moral suasion will have greater force when backed with this type of documentation. Then, if social policy does not change, it will not be because of ignorance or some subtle and unintended form of institutional discrimination.

NOTES

1. E. Percil Stanford, ed., *Retirement: Concepts and Realities of Ethnic Minority Elders* (San Diego, Calif.: Campanile Press, 1978); National Indian Council on Aging (NICOA), *Indian Elderly and Entitlement Programs: An Accessing Demonstration Project* (Albuquerque, N.M.: 1981); NICOA, *Access, A Demonstration Project: Entitlement Programs for Indian Elders 1* (Albuquerque, N.M.: 1983); E. Percil Stanford and Shirley A. Lockery, eds., *Trends and Status of Minority Aging* (San Diego, Calif.: Campanile Press, 1982); Ron C. Manuel, ed., *Minority Aging: Sociological and Social Psychological Issues* (Westport, Conn.: Greenwood Press, 1982); Donald E. Gelfand, *Aging: The Ethnic Factor* (Boston: Little, Brown, 1982); R. L. McNeely and John N. Colen, eds., *Aging in Minority Groups* (Beverly Hills, Calif.: Sage, 1983); Jacqueline Johnson Jackson, *Minorities and Aging* (Belmont, Calif.: Wadsworth, 1980).
2. The notion that elders suffer one jeopardy from being old and an additional one from being a minority-group member was first introduced by the National Urban League. *Double Jeopardy, the Older Negro in America Today* (New York: National Urban League, 1964). Subsequent research has shown that minority elders suffer a double jeopardy in terms of their life chances, but not in terms of their life satisfaction or morale (see James A. Dowd and Vern L. Bengtson, "Aging in Minority Populations: An Examination of the Double Jeopardy Hypothesis," *Journal of Gerontology* 33 [1978]: 427–436), or their integration within family networks (Elena Bastida, "The Elderly of Hispanic Origin: Population Characteristics for 1980," *Mid-American Review of Sociology* 9[1, 1984]: 41–47). The quote is from John N. Colen, "Facilitating Service Delivery to the Minority Aged," in McNeely and Colen, *Aging in Minority Groups*, 251.
3. I use the terms Native American and American Indian interchangeably throughout this essay to denote all North American aboriginal peoples, whether American Indian, Eskimo, or Aleut.
4. E. Daniel Edwards, Margie E. Edwards and Geri M. Daines, "American Indian/Alaska Native Elderly: A Current and Vital Concern," *Journal of Gerontological Social Work* 2(3, 1980): 213–224. The numbering used to order the services reflects those services that tied in their survey of service providers.
5. NICOA, op. cit., p. 11.
6. Frank C. Dukepoo, *The Elderly American Indian* (San Diego, Calif.: Campanile Press, 1980); Edward A. Powers and Gordon L. Bultena, "Correspondence Between Anticipated and Actual Uses of Public Services by the Aged," *Social Service Review* 48(1974): 245–254.
7. Dukepoo, *Elderly American Indian*, 32, 33.
8. Robert M. Moroney, *Families, Social Services, and Social Policy: The Issue of Shared Responsibility* (Washington, D.C.: U.S. Government Printing Office, 1980), 15.
9. Indeed, Larry Curley (in "Title VI of the Older Americans Act, 'Grants to Indian Tribes,' " in E. Percil Stanford, ed., *Minority Aging Research: Old Issues—New Approaches* (San Diego, Calif.: Campanile Press, 1979), 223–226 credits research with providing the basis of support for provisions in the 1978 amendments to the Older Americans Act that created programs specifically for American Indians under Title VI.

10. Colen, "Facilitating Service Delivery." The quote is from Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, N.J.: Doubleday, 1966), 128.
11. Some, like Dukepoo (*Elderly American Indian*), have dealt with the issue of the underutilization of services in terms of a lack of cultural sensitivity or difference in values between client and service professional. I do not think that this is the *major* problem limiting service utilization. Indeed, the social work literature, more than any other, has dealt with this issue on a continuing basis; see Jimm G. Good Tracks, "Native American Non-interference," *Social Work* 18(6, 1973): 30–34; Ronald G. Lewis and Man Keung Ho, "Social Work with Native Americans," *Social Work* 20(5, 1975): 379–382; John G. Red Horse et al., "Family Behavior of Urban American-Indians," *Social Casework* 59(2, 1978): 67–72; John G. Red Horse, "Family-Structure and Value Orientation in American-Indians," *Social Casework* 61(8, 1980): 462–467; John G. Red Horse, "Clinical Strategies for American-Indian Families in Crisis," *Urban and Social Change Review* 15(2, 1982): 17–19; Edwards, Edwards, and Daines, "American Indian/Alaska Native Elderly"; C. T. Goodluck and D. Short, "Working With American-Indian Parents —A Cultural Approach," *Social Casework* 61(8, 1980): 472–475; Taylor J. Satala, "Multi-cultural Skill Development in the Aging Network: An Indian Perspective," in *Multi-cultural Dimensions in the Aging Network: Cross-Cultural Perspectives in Gerontology*, ed. Jacob U. Gordon, Sr. (Lawrence, Kan.: National Caucus on Black Aged, 1981); Grafton H. Hull, Jr., "Child Welfare Services to Native Americans," *Social Casework* 63(6, 1982): 340–347; John M. Dillard, *Multicultural Counseling: Toward Ethnic and Cultural Relevance in Human Encounters* (Chicago: Nelson-Hall, 1983); Wynne Hanson DuBray, "American Indian Values: Critical Factor in Casework," *Social Casework* 66(1985): 30–37. Although insensitivity is an important impediment where it exists, in many cases the major problem is the *policy* and not the *practitioner*. As Hull recognizes, "Council on Social Work Education . . . accreditation requirements demand that special efforts be made to recruit minority and women faculty and that social work curriculum content reflect the cultural pluralism of society" ("Child Welfare Services," 340).
12. Moroney, *Families, Social Services*, 33–34.
13. Berger and Luckman, *Social Construction of Reality*, 126.
14. Steve H. Murdock and Donald F. Schwartz, "Family Structure and Use of Agency Services: An Examination of Patterns Among Elderly Native Americans," *Gerontologist* 18(5, 1978): 475–481; C. Jean Rogers and Teresa E. Gallion, "Characteristics of Elderly Pueblo Indians in New Mexico," *Gerontologist* 18(1978): 482–487; Spero M. Manson and Audra M. Pambrun, "Social and Psychological Status of the Indian Elderly: Past Research, Current Advocacy, and Future Inquiry," in *The Continuum of Life: Health Concerns of the Indian Elderly*, National Indian Council on Aging, (Albuquerque, N.M.: National Indian Council on Aging, 1979), 87–93; Marilyn R. Block, "Exiled Americans: The Plight of Indian Aged in the United States," in *Ethnicity and Aging: Theory, Research, and Policy*, ed. Donald E. Gelfand and Alfred J. Kutzik (New York: Springer, 1979), 184–192; Dukepoo, *Elderly American Indian*, Edwards, Edwards, Daines, "American Indian/Alaska Native Elderly"; Robert John, "The Older Americans Act and the Elderly Native American," *Journal of Minority Aging* 5(1980): 293–

298; Gerry C. Williams, "Warriors No More: A Study of the American Indian Elderly," in *Aging in Culture and Society*, ed. Christine L. Fry (New York: Springer, 1980), 101–111; Spero M. Manson, Carolyn B. Murray and Leonard D. Cain, "Ethnicity, Aging, and Support Networks: An Evolving Methodological Strategy," *Journal of Minority Aging* 6(1981): 11–37; Red Horse "Family-Structure"; John G. Red Horse, "American Indian and Alaskan Native Elders: A Policy Critique," in Stanford and Lockery, *Trends and Status of Minority Aging*, 15–26; E. Daniel Edwards, "Native American Elders: Current Issues and Social Policy Implications," in McNeely and Colen, *Aging Minority Groups*, 74–82; Marjorie M. Schweitzer, "The Elders: Cultural Dimensions of Aging in Two American Indian Communities," in *Growing Old in Different Societies: Cross-Cultural Perspectives*, ed. Jay Sokolovsky (Belmont, Calif.: Wadworth, 1983), 168–178.

15. Willie R. Jeffries, "Our Aged Indians," in National Council on the Aging, *Triple Jeopardy—Myth or Reality?* (Washington, D.C.: National Council on the Aging, 1972), 7–10; National Tribal Chairmen's Association, *The Indian Elder: A Forgotten American* (Phoenix, Ariz.: 1978); Murdock and Schwartz, "Family Structure"; Block, "Exiled Americans"; Anne E. Blakeley, "OAA Amendments Remember the Forgotten Americans," *Perspectives on Aging* (January/February 1979): 4–5; Edwards, Edwards, and Daines, "American Indian/Alaska Native Elderly"; Taylor J. Satala, "A Forgotten People," in *Multi-cultural Dimensions*, ed. Gordon, Sr., 47–48.
16. Curley, "Older Americans Act," 225.
17. Duran Bell, Patricia Kasschau and Gail Zellman, "Service Delivery to American Indian Elderly," in NICOA, *The Indian Elder: A Forgotten American* (Albuquerque, N.M.: 1978), 185.
18. NICOA, *American Indian Elderly: A National Profile* (Albuquerque, N.M., 1981). In all, eighteen reservation tribes, four Alaskan Native villages and six urban centers participated in the study. The groups represented include the following tribes: Osage, Pueblo of Zuni, Seminole, Pueblo of San Felipe, Papago, Carson Colony Washoe, Yakima, San Carlos Apache, Quinault, Chickasaw, Colville, Cherokee, Choctaw, Creek, Navajo, Seneca, Crow, and Kickapoo. The Alaskan Native villages of Bethel, Quinhagek, Toksook Bay, and Sitka, and the urban centers of Pittsburgh, Tulsa, Denver, Oakland, Tacoma, and Minneapolis took part in the study.
19. Roger P. Doherty, "Growing Old in Indian Country," in *Employment Prospects of Aged Blacks, Chicano, and Indians* (Washington, D.C.: National Council on the Aging, 1971), 19.
20. John, "The Older Americans Act," 296.
21. See George W. Bohrnstedt and David Knoke, *Statistics for Social Data Analysis* (Itasca, Ill.: Peacock, 1982), 177 ff., for further discussion of this technique.
22. U.S. Department of Commerce, *American Indian Areas and Alaska Native Villages: 1980* (Washington, D.C.: U.S. Government Printing Office).
23. NICOA, *American Indian Elderly*.
24. See Ethel Shanas et al., *Old People in Three Industrial Societies* (London: Routledge and Kegan Paul, 1968), 206, for similar findings for the general population.
25. Rather than viewing this as evidence of mental illness or paranoia, I interpret this as evidence of the persistence of traditional cultural practices and beliefs on reservations, in particular, the making of good and bad medicine.

26. This need for additional medical care is undoubtedly greater for both urban and reservation Indians now than when the NICOA survey was conducted. The Reagan years have been detrimental to Native American health. Budget cut-backs in Indian Health Service (IHS) funding, an unconscionable veto of the Indian Health Care Improvement Act, repeated attempts since 1981 to *eliminate* funds for urban Indian health care, and the entire Community Health Representative program that provides a variety of direct services on Indian reservations, as well as funding for emergency medical services (i.e., ambulances), and the tribal management funds used by tribes to develop the administrative expertise necessary for the tribe to take over operation of health care services; attempts to drastically reduce or eliminate funds for facility maintenance (much less new construction or facility improvements, both of which are desperately needed), sanitation projects, training funds for educating Indian health care professionals, as well as the yearly exhaustion of IHS funds for medical care and the resultant directive within the IHS to pay for only "emergency" surgery, have all threatened the tangible improvements in Native American health that have occurred in the seven years since passage of the Indian Health Care Improvement Act.
27. Part of these differences in health status could be attributable to the fact that the urban sample may be younger than the reservation group. However, it was not possible to calculate the mean and median age of the entire sample, and NICOA did not report this information. Using the age of the household head, which was the only age information NICOA reported, does yield some indication of the age distribution of the two groups. The mean age of the household head of the reservation group was 62.1 years compared to 55.6 years for the urban group. The median age of the household head of the two groups was sixty-two and fifty-eight for the reservation and urban groups respectively. Although reservation Indians are somewhat more likely than urban Indians to be over seventy-five, there is no difference in the proportions under fifty-five years of age. The major differences between the two groups occur for people between the ages of fifty-five and seventy-four. My conjecture is that this difference is the result of migration back to the reservation after retirement. However, the exact nature of the relationship between age, health status, and place of residence is unclear.
28. Powers and Bultena, "Correspondence Between Anticipated and Actual Uses."
29. Edwards, Edwards, and Daines, "American Indian/Alaska Native Elderly."
30. NICOA, *Indian Elderly and Entitlement*; NICOA, *Access, A Demonstration Project*.
31. See Marvin B. Sussman, "Relationships of Adult Children with Their Parents in the United States," in *Social Structure and the Family: Generational Relations*, ed. Ethel Shanas and Gordon F. Streib (Englewood Cliffs, N.J.: Prentice-Hall, 1965), 84, for the same finding among the general population.
32. Bert N. Adams, "Isolation, Function, and Beyond: American Kinship in the 1960s," *Journal of Marriage and the Family* 32(1970): 575–597.
33. Dukepoo, *Elderly American Indian*.
34. The results reported here shed some light on the thesis advanced by Murdock and Schwartz, "Family Structures," about the important intermediary role of family members in service utilization. Although it is not possible to test their thesis about formal service utilization and household composition, it appears that family members are not important brokers in the urban environment. One might suspect, in line with their findings, that this is because more people live alone and there are

fewer households with more than two members. My guess is that their suggestions appear to have more relevance for reservation Indians, a hunch that is bolstered by the fact that their study was of reservation Sioux over age fifty-five. However, as the results reported here show, the role of family members as direct service providers to reservation Indians is more important than their mediator role.

35. This difference in use of employment assistance and training is only partly explained by the different age distributions of the two groups. The higher proportion of urban Indians in the fifty-five–sixty-four age group would need to account for nearly double the rate of service utilization for these services. Evidence leads me to conclude that lack of service availability is also important in limiting employment-related services among reservation Indians. For example, urban Indians are more likely to be employed on a full- or part-time basis than are reservation Indians. Reservations Indians (28.6%) are slightly less likely to report being retired than urban Indians (32.8%), and 19 percent of urban Indians, as compared to 14 percent of reservation Indians report that they are retired on disability. All of these factors point to less demand for such services in urban areas, as compared to reservations. Furthermore, reservation Indians (6.5% to 5.6%) are slightly more likely to report that they are not employed but are seeking work, although they are significantly more likely (15.1% to 6.8%) to report that they are not employed and not seeking work (i.e., they are more likely to be among those people not counted in unemployment statistics; the so-called "discouraged" worker).
36. See Sussman, "Relationships of Adult Children" *Old People in Three Societies*; Adams, "Isolation, Function, and Beyond"; and Powers and Bultena, "Correspondence Between Anticipated and Actual Uses," for similar findings among elders in general.
37. Gordon L. Bultena, "Rural-urban Differences in the Familial Interaction of the Aged," *Rural Sociology* 34(1969): 5–15, however, found the opposite.
38. Curley, "Older Americans Act."

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